THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.

Presented by
the Worshipful Company
of Goldsmiths.
1903.

619840

Parliamentary Debates

VOL. XXXIX.

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_1819_39

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITULED "THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XXXIX.

COMPRISING THE PERIOD

FROM

THE FOURTEENTH DAY OF JANUARY,

TO

THE THIRTIETH DAY OF APRIL,

1819.

LONDON:

PRINTED BY T. C. HANSARD, PETERBOROUGH-COURT, FLEET-STREET:

FOR BALDWIN, CRADOCK, AND JOY; J. BOOKER; LONGMAN, HURST, REES, ORME, AND BROWN; J. M. RICHARDSON; BLACK, KINGSBURY, PARBURY, AND ALLEN; J. HATCHARD; J. RIDGWAY AND SONS; E. JEFFERY AND SON; RODWELL AND MARTIN; R. H. EVANS; BUDD AND CALKIN; J. BOOTH; AND T. C. HANSARD.

1819.

TABLE OF CONTENTS

TO

VOLUME XXXIX.

I. Debates in the House of Lords.
II. Debates in the House of Commons.
III. Prince Regent's Speeches.
IV. Prince Regent's Messages.
V. Parliamentary Papers.
VI. Petitions.
VII. Reports.
VIII. Lists.

I. DEBATES IN THE HOUSE OF LORDS.

1819.		Page
Jan. 14.	Meeting of the New Parliament	1
21.	Address on the Prince Regent's Speech on Opening the Session	20
25.	Bank Restriction	78
	State of the Prisons of the Country	79
	Care of his Majesty's Person Bill	80
26.	Care of his Majesty's Person Bill	105
27.	Petition from London, complaining of the Criminal Law	119
	Care of his Majesty's Person Bill	124
Feb. 1.	Dutch Colonies—Cession of Java	156
2.	Secret Committee on the State of the Bank appointed	202
	Petition from London respecting the Insolvent Debtors Bill	205
4.	Cotton Factories	288
	Secret Committee on the State of the Bank ballotted for	289
5.	Prince Regent's Message respecting her late Majesty's Establishment	323
8.	Westminster Hustings Bill	335
	Cotton Factories	339
9.	Offices in Reversion	385
10.	Westminster Hustings Bill	418
11.	Congress at Aix-la-Chapelle—Holy Alliance	422
18.	Lunatics Estates in Chancery	460
19.	State of the Prisons of the Country	509
	Slave Trade	511

		Page
Feb. 25.	State of the Prisons of the Country	645
	Cotton Factories	652
Mar. 2.	Vote of Thanks to the Marquis of Hastings—War in India	760
4.	Slaves in the West India Islands	848
8.	Chimney Sweepers Regulation Bill	899
15.	Chimney Sweepers Regulation Bill	981
16.	Coal Duties	992
	Aliens and Denizens Bill—Bank of Scotland	993
22.	Roman Catholic Claims—Petitions of the Irish Protestants in favour of	1110
26.	State of the Navy	1161
	Royal Household Bill	1162
29.	Consolidated Fund Produce Bill	1173
30.	Royal Household Bill	1230
April 5.	Bank of England—Cash Payments	1392
6.	Cash Payments Bill	1420
26.	Scots Jury Court	1460

II. DEBATES IN THE HOUSE OF COMMONS.

1819.		
Jan. 14.	Choice of a Speaker	3
21.	Address on the Prince Regent's Speech at the Opening of the Session	35
22.	Harrowgate Roads Petition	66
	War in India	67
	Corn Laws—Rutland Petition	67
	Private Bills	69
	Public Business—Orders of the Day and Motions	69
	Election Petitions	70
	State of Prisons—Abuses in Public Charities	71
	Bank Restriction	72
	Report of the Commissioners respecting the mode of preventing the Forgery of Bank Notes	73
25.	Petition of the Corporation of London, complaining of the Criminal Law	81
	Petition of Dr. Halloran—State of Convict Ships	88
	Bank Restriction	104
26.	Bank of England	108
	Committee of Supply	111
	Dr. Halloran's Petition—State of Convict Ships	115
27.	Privilege of Parliament—Robert Christie Burton, esq.	128
	Westminster Hustings Bill	130
	Silver Currency	130
	Bank Restriction	131
28.	Privilege of Parliament—Robert Christie Burton, esq.	133
	Licensing System	135
	Motion for Accounts respecting Bank Prosecutions for Forgery	137
29.	Westminster Hustings Bill—Petition of Mr. Hunt	145

TABLE OF CONTENTS.

		Page
Jan. 29.	Oxford City Election—Petition complaining of the Conduct of the Duke of Marlborough	146
	Silver Currency	149
Feb. 1.	London New Prison	167
	Mock Auctions	180
	Insolvent Debtors Bill	180
	Westminster Hustings Bill	184
	Petition from Leeds in favour of the Bank Restriction Act continuance	188
	Arrest of General Gourgaud	190
	Oxford Election Petition	192
	Committee of Supply—Navy Estimates, &c.	195
	Exchequer Bills	196
	Wild Animals reclaimed	200
2.	Coal Duties—Petition from Southwark	205
	Westminster Hustings Bill—Petition of Mr. Hunt	206
	Westminster Hustings Bill—Petition of Electors of Westminster	208
	Papers relating to the Congress at Aix-la-Chapelle	210
	Norwich Petition for two Gaol Deliveries in the year	211
	Bank Restriction Continuance—Petitions in favour of	212
	Mr. Tierney's Motion for a Committee on the State of the Circulating Medium, and on the Continuance of the Bank Restriction	213
3.	Bank Restriction Continuance—Petition from Bristol in favour of	276
	Committee on the State of the Bank of England ballotted for	280
	Westminster Hustings Bill	282
4.	Petition of Dennis Sullivan	289
	Conduct of Mr. Wyndham Quin	290
	Northern Circuit	293
	Windsor Establishment	296
5.	Fowey Election Petition	327
	Country Banks	328
	Moffat Grammar School—Misapplication of Funds	329
	Weights and Measures	332
	Care of his Majesty's Person Bill	333
	Barnstaple Election Petition	334
8.	Election Petitions	348
	Royal Burghs of Scotland	349
	Motion for adding Mr. Brougham to the Bank of England Committee	350
	Finance Committee appointed	360
9.	Irish Grand Jury Presentments Bill	388
	Criminal Laws—Petition of the Quakers complaining of their Severity	396
	Poor Laws	400
	Trial by Battle Abolition Bill	415
10.	Usury Laws Repeal Bill	420
11.	Contagion in the Plague—Select Committee appointed	424
	Chimney Sweepers Regulation Bill	426

TABLE OF CONTENTS.

		Page
Feb. 11.	Exchequer Bills Bill	427
12.	Trial by Battle Abolition Bill	428
	Cutlery Trade Bill	428
	Drogheda Election Petition	428
	Nottingham Election Petition	430
15.	Petition from London for the Suppression of Disorderly Houses	432
	Slave Trade	433
	Trial by Battle Abolition Bill	434
	Chimney Sweepers Regulation Bill	436
	Usury Laws Repeal Bill	436
	Motion respecting the Proceedings against Edward Burke	437
16.	Corn Laws	439
	Windsor Establishment	439
	Bank of Ireland	440
	Security of the Lives of Seamen	441
	Galway Election Petition	442
17.	Agricultural Petition—Corn Laws	444
	Chimney Sweepers Regulation Bill	448
	Motion for a Select Committee on the Highways and Turnpikes	455
18.	Cork County Election Petition	461
	Duties paid at Gibraltar	463
	Mr. Bennet's Motion respecting the System of Transportation, and the State of New South Wales	464
19.	Insolvent Debtors Bill	515
	Grand Jury Presentments—Committee appointed	521
	Claims of British Subjects on France	528
	Slave Trade	541
22.	Libel Act—Petition of Richard Carlisle	545
	Chimney Sweepers Regulation Bill	547
	Public Charities	551
	Criminal Law	552
	Windsor Establishment	552
23.	Corn Bill—Petition from Nottingham	607
	Windsor Establishment	608
	Poor Laws Amendment Bill	612
24.	Conduct of Mr. Wyndham Quin—Petition of Mr. Grady	613
25.	Agricultural Petitions—Corn Laws	656
	Petition of Mr. Thomas Grady	660
	Windsor Establishment	664
26.	Agricultural Petitions	709
	Coal Duties	709
	Penryn Election	712
	Motion for the Discharge of Thomas Grady	718
Mar. 1.	Limerick City Election	734
	Penryn Election	736
	Petition of Thomas Grady	739
	Motion for a Select Committee on the State of Gaols and other Prisons	740
2.	Coal Duties	769

		Page
Mar. 1.	Discharge of Thomas Grady	776
	Subdivisions of Committees	776
	Sir James Mackintosh's Motion for a Committee on the Criminal Laws	777
3.	Defalcation in the Assessed Taxes	846
4.	Coal Duties	855
	Roman Catholic Claims—Petition of the Catholics of Great Britain	858
	Vote of Thanks to the Marquis of Hastings, and the Army in India	865
	Bankruptcy Commissioners Court	894
5.	Coal Duties	895
	Limerick Election—Petition of Mr. Spring Rice	897
	Half-Pay Officers	898
8.	Criminal Laws—Petition from Stockton	903
	Coal Duties	906
	Penryn Election	906
	Exchequer Consolidation Acts	924
9.	Barnstaple Election	933
	Insolvent Debtors Acts	933
	Penryn Election	936
	Game Laws	937
	Excise Informations filed in the Court of Exchequer	950
10.	Mad-Houses Regulation Bill	971
	Exchequer Balances	974
	Mutiny Bill	975
11.	Complaint against Mr. Wyndham Quin	976
12.	State of Newgate—Petition from London	977
	Complaint against Mr. Wyndham Quin	978
15.	Rochester Election	984
	Royal Burghs of Scotland	985
	Petition of Thomas William Grady	986
	Mr. Thomas William Grady reprimanded	986
	Complaint against Mr. Wyndham Quin	987
	Mutiny Bill	988
	Frame Work Knitters	991
16.	Barnstaple Election	999
	Penryn Bribery Bill	999
	Administration of Justice in India	1000
	Insolvent Debtors—Committee appointed	1004
	Qualification of Members Bill	1013
	Rochester Election	1014
	Windsor Establishment—Reduction of the Equerries	1019
17.	Westminster Electors—Petition of Voters	1026
	Marriage Act Amendment Bill	1028
	Sale of Ordnance Stores	1029
18.	Salt Duties	1032
	Irish Window Tax	1037
	Consolidated Fund Produce Bill	1038

		Page
Mar. 18.	Sir M. W. Ridley's Motion for the Reduction of the Junior Lords of the Admiralty	1044
19.	Excise Prosecutions—Petition of William Weaver	1068
	Coal Duties	1071
	Royal Household Bill	1072
	Game Laws Amendment Bill	1078
	Civil Contingencies Deficiency—Presents to Foreign Ministers	1090
	Trial by Battle Abolition Bill	1097
	Netherlands Slave Trade Bill—Sierra Leone	1105
22.	Copy-Right Act—Petition of the London Booksellers	1113
	Lotteries—Petition from Sheffield against	1114
	Trial by Battle Abolition Bill—Petition of Mr. Thelwall against it	1116
	Penryn Election	1117
	Committee of Supply—Penitentiary House at Milbank	1117
	Caledonian Canal	1119
	Trial by Battle Abolition Bill	1120
23.	Royal Burghs of Scotland	1122
	New South Wales—Conduct of Governor Macquarrie	1124
	Statute Law of Scotland in Desuetude	1138
24.	London Clergy Bill	1143
25.	Settlement of the Poor Bill	1153
	Poor Rates Misapplication Bill	1157
	Friendly and Parochial Benefit Societies	1159
26.	Royal Burghs of Scotland	1167
	New South Wales	1168
	Breach of Privilege — Complaint respecting the Arrest of Thomas Stinton	1168
	Election Oaths Bill	1173
29.	Complaint against Mr. Wyndham Quin	1176
	Motion respecting Mr. Goold	1228
30.	Delay in the Court of Chancery	1261
	Lord Justice General of Scotland	1263
	Scotch Poor Relief Bill	1264
31.	Coal Duties	1264
	Breach of Privilege—Minutes of Court Martial on Thomas Stinton	1265
	Scotch Duelling Acts Repeal Bill	1266
	Chimney Sweepers Trade Regulation Bill	1269
	Excise Prosecutions—William Weaver	1269
April 1.	Gaol Deliveries	1273
	Mr. Wyndham Quin	1274
	Lord Archibald Hamilton's Motion respecting the Case of the Royal Burgh of Aberdeen	1275
2.	Borough of Ilchester	1353
	Petition of General Gourgaud complaining of his Arrest under the Alien Act	1355
	Bankrupt Laws Amendment Bill	1380
	Barnstaple Election	1390
5.	Mr. Wyndham Quin	1398

TABLE OF CONTENTS.

		Page
April 5.	First Report from the Bank of England Committee—Cash Payments Bill	1398
	Claims on France Bill	1415
	Settlement of the Poor Bill	1416
	Qualification of Members Bill	1417
6.	Administration of Justice in Guernsey—Petition of Wm. Berry	1422
	Bank of Ireland Cash Payments Bill	1423
	Clerk of the Peace in Ireland	1426
	State of Disease in Ireland	1427
	Royal Burghs Accounts Bill	1433
7.	Female Convicts	1433
	Oxford City Election	1441
8.	Camelford Election	1448
	John Chapman and John Evelyn reprimanded for giving false Evidence before the Camelford Election Committee	1450
22.	Petition of John Buchanan, complaining of his Imprisonment under the Habeas Corpus Suspension Act	1451
	State of the Established Church in Ireland	1454
23.	Mines' Assessment Bill	1458
26.	Marriage Act Amendment Bill	1461
	Scotch Poor Relief Regulation Bill	1469
	Royal Burghs of Scotland Accounts Bill	1476
	Friendly and Parochial Benefit Societies Bill	1478
	Convention with America	1478
27.	Children in Factories (Ireland) Bill	1479
28.	Court of King's Bench	1481
	Sinking Fund	1481
29.	Salt Laws	1482
	Indictment of Edward Burke—Conduct of Baron M'Clelland	1492
30.	Illicit Distillation in Ireland	1504

ADDENDUM.

Lord Nugent's Speech on presenting the Petition of the Catholics of Great Britain 1517

III. PRINCE REGENT'S SPEECHES.

Jan. 21. Prince Regent's Speech on Opening the Session 17

IV. PRINCE REGENT'S MESSAGES.

Feb. 4. Prince Regent's Message respecting her late Majesty's Establishment 296

V. PARLIAMENTARY PAPERS.

PAPERS RELATING TO THE CONGRESS AT AIX-LA-CHAPELLE 168

No. 1. Convention between his Britannic Majesty and his most Christian Majesty, for the Evacuation of the French Territories by the Allied Troops, signed Oct. 9, 1818 ... 168

Page

2. Protocol between the Five Cabinets, signed Nov. 3, 1818 170
3. Protocol between the Five Cabinets, signed Nov. 11, 1818 172
4. Protocol signed Nov. 15, 1818, by the Plenipotentiaries of the Five Cabinets 174
5. Note addressed to the Duke of Richelieu by the Plenipotentiaries of the Courts of Austria, Great Britain, Prussia, and Russia, Nov. 4, 1818 175
6. Note of the Duke of Richelieu in answer thereto..... 177
7. Declaration of the Five Cabinets, signed Nov, 15, 1818... 178

Convention between his Britannic Majesty and the United States of America, signed at London, October 20, 1818 996

VI. PETITIONS.

Jan. 25. PETITION of the Corporation of London, complaining of the Criminal Law 81
- - - - - of Dr. Halloran 102
29. - - - - - of Mr. Hunt, respecting the Westminster Hustings Bill..... 145
Feb. 1. - - - - - from Leeds, in favour of the Bank Restriction Act Continuance..... 188
2. - - - - - of Mr. Hunt, respecting the Westminster Hustings Bill 206
- - - - - of Electors of Westminster, respecting the Westminster Hustings Bill 208
3. - - - - - from Bristol, in favour of the Bank Restriction Act Continuance 276
9. - - - - - from the Society of Quakers, complaining of the Severity of the Criminal Laws 399
15. - - - - - from London, for the Suppression of Disorderly Houses 432
22. - - - - - of Richard Carlile, respecting the Libel Act..... 545
24. - - - - - of Mr. Grady, relating to the Conduct of Mr. Wyndham Quin..... 618
25. - - - - - of Mr. Grady, praying for his release 660
Mar. 1. - - - - - from London, against the Trial by Battle Abolition Bill 734
4. - - - - - of the Catholics of Great Britain, in favour of the Claims of the Roman Catholics..... 864
15. - - - - - of Mr. Grady, praying for his Release 986
17. - - - - - of Inhabitants of Westminster, complaining of an undue Election..... 1026
19. - - - - - of William Weaver, respecting Excise Prosecutions 1068
22. - - - - - of the London Booksellers, respecting the Copy-Right Act 1113
- - - - - from Sheffield, against Lotteries 1114
- - - - - of Mr. John Thelwall, against the Trial by Battle Abolition Bill 1116
Apr. 22. - - - - - of John Buchanan, complaining of his Imprisonment under the Habeas Corpus Suspension Act 1451

VII. REPORTS.

		Page
Jan. 22.	Report of the Commissioners appointed for inquiring into the Mode of preventing the Forgery of Bank Notes	73
Feb. 17.	- - - - - from the Committee of the House of Commons on the Royal Establishments	457
April 5.	- - - - - (First) from the Secret Committee of the House of Commons on the Expediency of the Bank resuming Cash Payments	1398

VIII. LISTS.

Feb. 2	List of the Minority in the House of Commons on Mr. Tierney's Motion for a Committee on the State of the Circulating Medium, and on the Continuance of the Bank Restriction	275
3.	- - - of the Minority in the House of Commons on the Westminster Hustings Bill	288
8.	- - - of the Minority in the House of Commons on Mr. Calcraft's Motion for adding Mr. Brougham's Name to the Bank of England Committee.....	359
22.	- - - of the Minority in the House of Commons on the Windsor Establishment	606
25.	- - - of the Minority in the House of Commons on the Windsor Establishment	707
Mar. 2.	- - - of the Majority in the House of Commons on Sir James Mackintosh's Motion for a Committee on the Criminal Laws	845
9.	- - - of the Minority in the House of Commons on Mr. D. W. Harvey's Motion respecting Excise Informations filed in the Court of Exchequer.....	971
18.	- - - of the Minority in the House of Commons on Sir M. W. Ridley's Motion respecting the Junior Lords of the Admiralty	1067
19.	- - - of the Minority in the House of Commons on the Royal Household Bill.....	1077
29.	- - - of the Majority and Minority in the House of Commons on the Complaint against Mr. Wyndham Quin	1225
	- - - of the Minority in the House of Commons on Mr. Lambton's Motion respecting Mr. Goold	1230
April 1.	- - - of the Minority in the House of Commons on Lord Archibald Hamilton's Motion respecting the Royal Burgh of Aberdeen.....	1352
26.	- - - of the Minority in the House of Commons on the Marriage Act Amendment Bill	1469
29.	- - - of the Minority in the House of Commons on Dr. Phillimore's Motion respecting the Salt Laws.....	1492

LIST

OF

THE HOUSE OF COMMONS:

AS IT STOOD AT THE

OPENING OF THE NEW PARLIAMENT.

[The Members whose Names are marked thus * were not in the last Parliament.]

Abercromby, hon. J. Calne
Alexander, James, Old Sarum
Allan, Alexander, Berwick
*Allan, John Hensleigh, Pembroke
Althorp, viscount, Northamptonshire
Anson, sir George, Lichfield
*Anson, hon. Thomas Wm. Yarmouth, Norfolk
Apsley, lord, Cirencester
Arbuthnot, right hon. C. Rye, and St. Germains
Archdall, Mervyn, Fermanaghshire
Ashurst, William Henry, Oxfordshire
Astell, William, Bridgewater
Aubrey, sir John, bart. Steyning
Bagwell, right hon. Wm. Clonmell
Bankes, George, Corff Castle
Bankes, Henry, Corff Castle
Barham, Joseph Foster, Stockbridge
Baring, Alexander, Taunton
Baring, sir Thomas, bart. Wycombe
Barnard, viscount, Tregony
Barne, Michael, Dunwich
Barnett, James, Rochester
Barry, right hon. John M. Cavanshire
Bastard, Edm. Pollexfen, Devonshire
Bastard, John, Dartmouth
Bathurst, right hon. Charles, Harwich
*Bathurst, hon. Seym. T. St. Germains
Beaumont, T. Went. Northumberland
*Becher, William W. Mallow
*Beckett, right hon. J. Cockermouth
Beckford, William, Hindon
Bective, earl of, Meathshire
*Belfast, earl of, Carrickfergus
*Belgrave, viscount, Chester
Bennet, hon. Hen. Grey, Shrewsbury
*Bent, John, Sligo
Bentinck, lord Fred. Cav. Weobly
Bentinck, lord W. H. Cav. Nottinghamshire
*Benyon, Benjamin, Stafford
Beresford, sir J. P. bart. Coleraine
Beresford, lord George, Waterfordshire
*Bernal, Ralph, Lincoln
Bernard, viscount, Youghall
Bernard, Thomas, jun. King's county
*Best, William Draper, Guildford
Binning, lord, Rochester
Birch, Joseph, Nottingham
Blackburne, John, Lancashire
Blair, James Hunter, Wigtownshire
*Blair, James, Saltash
Blake, Valentine, Galway
*Blandford, marquis of, Chippenham
Boswell, Alexander, Plympton
*Boughton, Wm. E. R. Evesham
Bourne, right hon. W. S. Christchurch
*Braddyll, Thomas, Bodmyn
Bradshaw, Robert Haldane, Brackley
Brand, hon. Thomas, Hertfordshire
Broadhurst, John, Sudbury
Brogden, James, Launceston
Brougham, Henry, Winchelsea
Browne, Dominick, Mayo
*Browne, James, Mayo
*Brown, Peter, Rye
*Brownlow, Charles, Armaghshire
*Brudenell, lord, Marlborough
Bruen, Henry, Carlowshire
Buller, sir Edward, bart. East Looe
Burdett, sir Francis, bart. Westminster
*Burgh, sir Ulysses B. Carlowshire
Burrell, hon. P. R. D. Boston
Burrell, sir Charles M. bart. Shoreham, New
Burrell, Walter, Sussex
Burroughs, sir William, bart. Taunton
*Burton, Robert Christey, Beverley.
Butler, hon. James W. Kilkennyshire
Butler, hon. C. Harwood, Kilkenny
Buxton, John Jacob, Bedwyn
*Buxton, Thomas Fowell, Weymouth
Byng, George, Middlesex
*Cahir, viscount, Tipperary
Calcraft, John, Wareham
*Callaghan, Gerrard, Dundalk
*Calthorpe, hon. F. G. Hindon
Calvert, Charles, Southwark
Calvert, John, Huntingdon
Calvert, Nicolson, Hertford
Campbell, lord John, Argyleshire
Campbell, hon. John Fred. Carmarthen
*Cambell, Archibald, Forfar, &c.
*Campbell, John, Inverkeithing, &c.
Canning, right hon. George, Liverpool
Canning, George, Petersfield
Carew, Robert Shapland, Wexfordshire
Carhampton, earl of, Ludgershall
*Carrol, John, New Ross
Carter, John, Portsmouth
Cartwright, Wm. Ralph, Northamptonshire
Casberd, Robert Matthew, Milborne Port
Castlereagh, viscount, Downshire
Cavendish, lord G. A. H. Derbyshire
Cavendish, hon. H. F. C. Derby
*Cecil, lord Thomas, Stamford
Chamberlayne, William, Southampton
*Chaplin, Charles, Lincolnshire
Chichester, Arthur, Belfast
*Churchill, lord C. S. St. Alban's
Chute, William, Hampshire
*Claughton, Thomas, Newton, Lancashire
Clerk, sir George, bart. Edinburghshire
*Clifford, Aug. Wm. Jas. Bandon Bridge
*Clifton, lord, Canterbury
Clinton, sir Wm. Henry, Newark
Clive, viscount, Ludlow
Clive, Henry, Montgomery
Clive, William, Bishop's Castle
Clive, hon. Robert H. Ludlow
*Cockburn, sir George, Portsmouth
*Cocks, hon. James S. Ryegate
Cocks, hon. John Somers, Hereford
*Coffin, sir Isaac, Ilchester
Coke, Thomas William, Norfolk
*Coke, Thomas William, junr. Derby

*Colborne, Nich. W. R. Thetford
*Colclough, Cæsar, Wexfordshire
Cole, hon. sir G. L. Fermanaghshire
Colquhoun, right hon. A. Dumbartonshire
Colthurst, sir N. C. bart. Cork
Compton, earl, Northampton
*Concannon, Lucius, Appleby
Congreve, sir William, Plymouth
*Conyngham, lord F. N. Westbury
*Cooper, Robert B. Gloucester
Cooper, Edward Synge, Sligoshire
Copley, John Singleton, Ashburton
Cotes, John, Shropshire
Cotterell, sir J. G. bart. Herefordshire
Courtenay, T. Peregrine, Totness
Courtenay, William, Exeter
*Coussmaker, George, Kinsale
Cranborne, viscount, Hertford
*Crawford, Arthur J. Old Sarum
*Crawley, Samuel, Honiton
Crickitt, Robert Alex. Ipswich
*Cripps, Joseph, Cirencester
*Crompton, Samuel, Retford
Crosbie, James, Kerryshire
*Cumming, George, Fortrose, &c.
*Cunningham-Fairlie, sir William, bart. Leominster
Curwen, John Christian, Carlisle
Curzon, hon. Robert, Clitherow
Cust, hon. William, Clitherow
*Cust, hon. Edward, Grantham
*Cust, hon. Peregrine F. Honiton
Daly, James, Galwayshire
Dashwood, sir H. W. bart. Woodstock
Davenport, Davies, Cheshire
*Davies, Thomas Henry, Worcester
Davis, Richard Hart, Bristol
Dawkins, James, Hastings
Dawson, George Robert, Londonderry county
*De Crespigny, sir W. C. Southampton
Deerhurst, viscount, Worcester
*Denison, William Jos. Surrey
*Denman, Thomas, Wareham
*Denny, Edward, Tralee
*Dent, John, Poole
Dickinson, William, Somersetshire
Disbrowe, Edward, Windsor
*Domville, sir Compton, Bossiney
Don, sir Alexander, Roxburghshire
*Dottin, Abel Rouse, Gatton
*Douglas, John, Orford
Douglas, W. Robert Keith, Dumfries, &c.
Douglas, hon. F. S. N. Banbury
Doveton, Gabriel, Lancaster
Dowdeswell, John Edm. Tewkesbury
Drummond, George Harley, Kincardineshire
Drummond, James, Perthshire
Dugdale, Dugdale Stratf. Warwickshire
Duncannon, viscount, Malton
Duncombe, Charles, Newport, isle of Wight
Dundas, Charles, Berkshire
*Dundas, hon. G. H. L. Orkneyshire
Dundas, hon. Lawrence, York
*Dundas, Thomas, Richmond
Dundas, right hon. Wm. Edinburgh
Dunlop, James, Kirkcudbright
*Ebrington, viscount, Devon
Edmondstone, sir C. bart. Sterlingshire
*Edwards, John, Glamorganshire
Egerton, Wilbraham, Cheshire
Eliot, hon. William, Liskeard
*Ellice, Edward, Coventry
Elliot, right hon. W. Peterborough
Ellis, Charles Rose, Seaford
*Ellis, hon. G. J. W. A. Heytesbury
Ellison, Cuthbert, Newcastle-upon-Tyne
Ellison, Richard, Wotton Basset
Estcourt, Thomas Grimston, Devizes
*Euston, earl of, St. Edmondsbury
*Evans, William, Retford
Fane, John, Oxfordshire
Fane, hon. John Thomas, Lime Regis
*Fane, Vere, Lime Regis
*Farrand, Robert, Hedon
Fazakerley, John Nic. Grimsby
Fellowes, hon. Newton, Andover
Fellowes, William Henry, Huntingdonshire
Ferguson, James, Aberdeenshire
Fergusson, sir R. C. Dysart, &c.
Fetherston, sir T. bart. Longfordshire
*Fife, earl of, Bamfshire
Finch, hon. Edward, Cambridge
Finlay, Kirkman, Malmesbury
Fitzgerald, right hon. William, Clare
Fitzgerald, right hon. M. Kerryshire
Fitzgerald, lord W. C. Kildareshire
*Fitzgibbon, hon. Richard, Limerickshire
Fitzharris, viscount, Wilton
Fitzhugh, William, Tiverton
*Fitzroy, lord Charles, Thetford
*Fleming, John, Gatton
Fludyer, George, Appleby
Foley, hon. A. Droitwich
Folkes, sir M. B. bart. King's Lynn
Folkestone, viscount, Downton and New Sarum
Forbes, Charles, Malmesbury
Forbes, viscount, Longfordshire
Forester, Cecil Weld, Wenlock
Foster, right hon. John, Louthshire
Foster, John Leslie, Armagh and Lisburn
Franco, Ralph, Westbury
Frank, Frank, Nottinghamshire
Frankland, Robert, Thirsk
Fremantle, William Hen. Buckingham
French, Arthur, Roscommonshire
Fynes, Henry, Aldborough
Gascoyne, Isaac, Liverpool
Gaskell, Benjamin, Malden
Gifford, sir Robert, Eye
Gilbert, Davies, Bodmyn
Gipps, George, Ripon
*Gladstone, John, Lancaster
Glerawley, viscount, Downpatrick
Gooch, Thomas Sherlock, Suffolk
*Gordon, John, Athlone
Gordon, Robert, Cricklade
Goulburn, Henry, West Looe
Gower, earl, Staffordshire
*Graham, James R. G. Kingston-upon-Hull
*Graham, Sandford, Ludgershall
Graham, sir James, bart. Carlisle
*Graham, Thomas, Kinross-shire
Grant, Alexander Cray, Lestwithiel
Grant, Charles, junr. Invernessshire
Grant, Francis Wm. Elginshire
Grant, G. Macpherson, Sutherlandshire
*Grant, Robert, Elgin, &c.
Grattan, right hon. H. Dublin
Greenhill-Russell, Robert, Thirsk
Grenfell, Pascoe, Marlow
Greville, hon. sir C. J. Warwick
*Griffith, John Wynne, Denbigh
*Grosvenor, R. E. D. Romney
Grosvenor, Thomas, Chester
Guise, sir B. William, bart. Gloucestershire
Gurney, Hudson, Newton, Hants.
*Gurney, Richard H. Norwich
Hamilton, lord Arch. Lanarkshire
Hamilton, Hans. Dublinshire
Hare, hon. Richard, Corkshire
Hart, George Vaughan, Donegalshire
Harvey, Charles, Carlow
*Harvey, Daniel W. Colchester
*Hawkins, sir C. bart. Penryn
Heathcote, sir Gilbert, bart. Rutland
Heathcote, Thomas Freeman, Hampshire
*Heygate, William, Sudbury
Hill, lord Arthur, Down county
Hill, right hon. sir G. F. Londonderry
Hodson, John, Wigan
Holdsworth, Arthur Howe, Dartmouth
*Holford, George, Hastings
Holmes, sir L. T. W. bart. Newport, isle of Wight

Holmes, William, Totness
*Homfray, Samuel, Stafford
*Honeywood, William P. Kent
Hope, hon. sir Alexander, Linlithgowshire
Hope, sir Wm. Johnston, Dumfrieshire
Hornby, Edmund, Preston
Horrocks, Samuel, Preston
Houblon, John Archer, Essex
*Houldsworth, Thomas, Pontefract
*Houstoun, Alexander, Glasgow, &c.
Howard, hon. F. G. Castle Rising
Howard-Molyneux-Howard, ld. Henry Thomas, Arundel
Howard, hon. William, Morpeth
Howorth, Humphry, Evesham
*Hudson, Harrington, Hellestone
Hughes, W. Lewis, Wallingford
Hulse, sir Charles, West Looe
*Hume, Joseph, Aberdeen, &c.
Huntingfield, lord, Dunwich
Hurst, Robert, Horsham
Huskisson, right hon. William, Chichester
*Hutchinson, hon. C. H. Cork
Jackson, sir John, bart. Dover
Jenkinson, hon. C. C. C. Grinstead
Innes, Hugh, Kirkwall, &c.
*Innis, John, Grampound
Jocelyn, viscount, Louth county
Jolliffe, Hylton, Petersfield
*Jones, sir Thomas J. T. Bridgenorth
Irving, John, Bramber
*Kennedy, Thomas F. Ayr, &c.
Kerrison, sir Edw. Northampton
King, sir J. D. bart, Wycombe
*Kingsborough, viscount, Corkshire
*Kinnersley, Wm. S. Newcastle, Stafford
Knatchbull, sir Edward, bart. Kent
Knox, Thomas, Dungannon
Kynaston-Powell, John, Shropshire
Lamb, hon. G. Westminster
Lamb, hon. William, Peterborough
Lambton, John George, Durham county
Langton, William Gore, Somersetshire
Lascelles, viscount, Northallerton
Latouche, John, Leitrimshire
Latouche, Robert, Kildareshire
*Lawson, Marmaduke, Boroughbridge
*Leake, William, St. Michaels
Lefevre, Charles Shaw, Reading
Legh, Thomas, Newton, Lancashire
Leigh, James Henry, Winchester
Leigh, sir Robert Holt, bart. Wigan
Lemon, sir William, bart. Cornwall
Leslie, Charles Powell, Monaghanshire
Lester, Benj. Lester, Poole
Lewis, Thomas Frankland, Beaumaris
Littleton, Edward John, Staffordshire
Lloyd, James Marten, New Shoreham
Lloyd, sir Edward Price, bart Flint
Lockhart, William Elliot, Selkirkshire
Long, right hon. Charles, Haslemere
*Longman, George, Maidstone
Lopes, sir M. M. Barnstaple
Lovaine, lord, Beralston
Lowndes, William S. Buckinghamshire
Lowther, hon. H. Cecil, Westmorland
Lowther, John, Cumberland
Lowther. hon. John H. Cockermouth
Lowther, viscount, Westmorland
Lubbock, sir John W. bart. Leominster
*Lucy, George, Fowey
Lushington, Stephen R. Canterbury
Luttrell, Henry Fownes, Minehead
Luttrell, J. Fownes, Minehead
Lygon, hon. Hen. Beauch. Worcestershire
*Lygon, hon. Edward P. Callington
Lyster, Richard, Shrewsbury
Lyttelton, hon. W. H. Worcestershire
Maberly, John, Abingdon
Macdonald, James, Calne
Macdonald, Ronald Geo. Plympton
Mackintosh, sir James, bart. Knaresborough
*Mackenzie, Thomas, Ross-shire
*M'Leod, Rodrick, Cromartyshire
Macnaughten, E. A. Orford
Machonochie, Alexander, Crail, &c.
Macqueen, Thomas Potter, East Looe
Madocks, William Alexander, Boston
Magenis, Richard, sen. Enniskillen
Mahon, hon. Stephen, Roscommonshire
*Maitand, viscount, Richmond
*Maitland, John B. Camelford
Maitland, Ebenezer F. Wallingford
Manners, lord Charles S. Cambridgeshire
Manners, lord Robert, Leceistershire
Manners, Robert, Cambridge
Manning, Williams, Lymington
*Mansfield, John, Leicester
March, earl of, Chichester
Marjoribanks, sir J. bart. Berwickshire
Marryatt, Joseph, Sandwich
*Martin, sir Thomas B. Plymouth
*Martin, Richard, Galwayshire
Martin, James, Tewkesbury
Mathew, hon. Montagu, Tiperary county
Maule, hon. William R. Forfarshire
*Maxwell, John, Renfrewshire
Mellish, William, Middlesex
*Merest, John W. D. Ilchester
Methuen, Paul, Wiltshire
*Milbank, Mark, Camelford
*Mildmay, Paulet St. J. Winchester
*Miles, William, Chippenham
Mills, Charles, Warwick
*Miles, George, Winchelsea
Milton, viscount, Yorkshire
*Mitchell, John, Kingston-upon-Hull
Monck, sir C. M. L. bart. Northumberland
Money, Wm. Taylor, Wotten Basset
*Montague, lord Fred. Huntingdonshire
*Montague, Wm. Aug. Huntingdon
Montgomery, sir J. bart. Peebleshire
*Montgomerie, James, Ayrshire
Moore, Peter, Coventry
Moorsom, sir Robert, Queenborough
Mordaunt, sir C. bart. Warwickshire
Morgan, sir Charles, bart. Monmouthshire
*Morgan, George Gould, Brecon
Morland, sir S. B. bart. St. Mawes
Morpeth, viscount, Cumberland
Morrit, John Bacon S. Shaftesbury
Mostyn, sir Thomas bart. Flintshire
*Mountcharles, earl, Donegalshire
*Mount, William, Yarmouth, isle of Wight
Mundy, Ed. Miller, Derbyshire
*Mundy, George, Boroughbridge
Neale, sir Harry B. bart. Lymington
Needham, hon. Francis, Newry
Neville, hon. Richard, Berkshire
Neville, Richard, Wexford
Newman, Robert Wm. Exeter
Newport, right hon. sir J. bart. Waterford
*Newton, William, Ipswich
Nicholl, right hon. sir J. knight, Bedwin
Noel, sir Gerard Noel, bart. Rutland
*Normanby, viscount, Scarborough

North, Dudley, Haddington, &c.
Northey, Wm. Newport, Cornwall
*Nugent, sir G. bart. Buckingham
Nugent, lord, Aylesbury
O'Brien, sir Edw. bart. Clare
*O'Callaghan, James, Tregony
Ogle, Hen. Meade, Drogheda
O'Hara, Charles, Sligoshire
*Ommaney, Francis M. Barnstaple
O'Neil, hon. J. R. Bruce, Antrimshire
Onslow, Arthur, Guildford
Ord, William, Morpeth
Osborn, sir John, Bedfordshire
Osborne, lord F. G. Cambridgeshire
Owen, sir John, bart. Pembrokeshire
Paget, hon. Berkeley, Anglesea-shire
Paget, hon. Charles, Carnarvon
Paget, hon. sir Edward, Milborne Port
Pakenham, hon. H. Rob. Westmeath county
*Palk, sir L. V. bart. Ashburton
*Palmer, Chas. Fyshe, Reading
Palmer, Charles, Bath
Palmerstone, viscount, Cambridge university
*Pares, Thomas, Leicester
Parnell, sir Henry, bart. Queen's County
Parnell, William, Wicklowshire
*Parsons, John, King's County
*Pearse, John, Devizes
Peel, sir Robert, bart. Tamworth
Peel, right hon. Robert, Oxford
Peel, Wm. Yates, Tamworth
Peirse, Henry, Northallerton
Pelham, hon. Charles A. Lincolnshire
Pelham, hon. George Andrew, Newton, Hants
Pellew, hon. Pownell B. Launceston
*Pennefather, Richard, Cashel
*Perceval, Spencer, Ennis
Percy, hon. Jocelyn, Beralston
*Percy, hon. William Henry, Stamford
Perring, sir John, bart. Hythe
Phillimore, Joseph, St. Mawes
Philips, George, Steyning
*Philips, George Richard, Horsham
*Phillips, Charles M. Leicestershire
Phipps, hon. Edmund, Queenborough
Piggott, sir Arthur, knight, Arundell
Pitt, Joseph, Cricklade
Pitt, William Morton, Dorsetshire
Plumer, William, Higham Ferrers
Plunkett, right hon. W. C. Dublin University
Pocock, George, Bridgewater
Pole, right hon. W. W. Queen's County
Pollington, viscount, Pontefract
Ponsonby, hon, Fred. C. Kilkennyshire
Porter, George, Stockbridge
Portman, Edward Berkeley, Dorsetshire
Powell, William Edward, Cardiganshire
Power, Richard, Waterfordshire
Powlett, hon. W. I. F. V. Durham county
*Price, Robert, Herefordshire
Price, Richard, New Radnor
Pringle, sir William Henry, Liskeard
Proby, hon. Grenv. Lev. Wicklowshire
Protheroe, Edward, Bristol
*Pryse, Pryse, Cardigan
Quin, hon. Wyndham, Limerick County
Raine, Jonathan, Newport, Cornwall
Ramsbottom, John, jun. Windsor
Ramsden, John Charles, Malton
Rancliffe, lord, Nottingham
Richardson, William, Armagh, county
*Rickford, William, Aylesbury
Riddell, sir J. B. bart. Selkirk, &c.
Ridley, sir Matthew White, bart. Newcastle-upon-Tyne
*Robarts, Abraham W. Maidstone
Robarts, William Tierney, St. Albans
*Roberts, Wilson A. jun. Bewdly
*Robertson, Alexander, Grampound
*Robinson, sir Christopher, Callington
Robinson, John, Bishop's Castle
Robinson, right hon. Fred. J. Ripon
Rochfort, Gustavus H. Westmeathshire
Rocksavage, earl of, Castle Rising
Rose, right hon. George H. Christchurch
Rowley, sir Wm. bart. Suffolk
*Rumbold, Charles E. Yarmouth
Russell, Matthew, Blechingly and Saltash
*Russell, lord John, Tavistock
Russell, lord George W. Bedford
Russell, lord William, Tavistock
Ryder, right hon. Richard, Tiverton
*St. John, hon. Fred. Oxford city
St. Paul, Henry Heneage, Berwick
St. Paul, sir H. D. C. Bridport
Savile, Albany, Oakhampton
*Savile, Christopher, Oakhampton
Scott, Samuel, Whitchurch
Scott, sir William, knight, Downton and Oxford University
*Scott, hon. Wm. H. J. Heytesbury
*Scourfield, Wm. H. Haverfordwest
Sebright, sir John S. bart. Hertfordshire
Sefton, earl of, Droitwich
Seymour, lord Robert, Carmarthenshire
*Seymour, Hugh, Antrimshire
Sharpe, Richard, Portarlington
Shaw, Robert, Dublin
Sheldon, Ralph, Wilton
Shelley, sir John, bart. Lewes
Shepherd, sir Samuel, knight, Dorchester
*Shepherd, John H. Shaftesbury
Shiffner, George, Lewes
Sibthorp, Coningsby W. Linclon
Simpson, hon. John B. Wenlock
*Sinclair, George, Bute
Singleton, Mark, Eye
Smith, George, Wendover
*Smith, hon. Robert, Wendover
Smith, Tho. Assheton, Andover
Smith, John, Medhurst
Smith, Samuel, Medhurst
Smith. William, Norwich
Smyth, John Henry, Cambridge University
Sneyd, Nathaniel, Cavanshire
Somerset, lord G. C. H. Monmouthshire
Somerset, lord R. E. H. Gloucestershire
*Somerset, lord F. J. H. Truro
Somerville, sir M. bart. Meathshire
Spencer, lord Robert, Woodstock
Stanhope, hon. J. H. S. Fowey
Stanley, lord, Lancashire
*Staunton, sir George, bart. St. Michael
*Stephens, Samuel, St. Ives
Stewart, hon. J. H. K. Wigton, &c.
*Stewart, Alexander R. Londonderryshire
Stewart, right hon, sir J. bart. Tyrone county
*Stewart, Wm. Tyrone county
Stirling, sir Walter, bart. St. Ives
Strahan, Andrew, Romney
Strathaven, lord, Grinstead
Strutt, Joseph Holden, Malden
Stuart-Wortley, James A. Bossiney, and Yorkshire
*Stuart, lord P. J. H. E. Cardiff
Sturt, Hen. Charles, Bridport
Sumner, George Holme, Surrey
Suttie, sir James, bart. Haddingtonshire
Sutton, right hon. C. M. Scarborough
Swann, Henry, Penryn
Sykes, sir M. M. bart. York
Symonds, Thos. Powell, Hereford

Talbot, Richard Wogan, Dublinshire
Tavistock, marquis of, Bedfordshire
*Taylor, John Bladen, Hythe
Taylor, John, Yarmouth, isle of Wight
Taylor, Charles William, Wells
Taylor, George Watson, Seaford
Taylor, Michael Angelo, Durham city
*Temple, earl, Bucks
*Tennyson, Charles, Grimsby
*Tennyson, George, Blechingly
*Thorp, John Thomas, London
Thynne, lord John, Bath
Tierney, right hon. George, Knaresborough
Tomline, William Edw. Truro
Townshend, hon. H. G. P. Whitchurch
*Townshend, lord J. N. B. Helleston
Tremayne, John Hearle, Cornwall
Tudway, John Paine, Wells
*Turton, Edmund, Hedon
Tyrwhit-Drake, Thomas, Agmondesham
Tyrwhit-Drake, William, Agmondesham
*Upton, hon. Arthur P. St. Edmondsbury
Ure, Masterton, Weymouth
Vansittart, right hon. N. Harwich
Vaughan, sir R. W. bart. Merionethshire
Vereker, hon. J. Pren. Limerick
Vernon, Granville Ven. Aldborough
Vernon, Geo. G. V. Lichfield
*Waithman, Robert, London
*Walker, Joshua, Aldborough
*Walker, Samuel, Aldborough
Wallace, right hon. Thomas Weymouth
Walpole, hon. George, Dungarvon
Walpole, lord, King's Lynn
Ward, Robert, Haslemere
Warrender, sir G. bart. Sandwich
Webb, Edward, Gloucester
Webster, sir G. bart. Sussex
Welby, sir W. E. bt. Grantham
Wellesley, W. P. T. Long, Wiltshire
Wemyss, William, Fifeshire
*Western, hon. H. R. Monaghanshire
Western, Charles C. Essex
*Weymouth, viscount, Weobly
Wharton, John, Beverley
Wharton, Richard, Durham city
*Whitbread, William Hen. Bedford
*White, Luke, Leitrimshire
Whitmore, Thomas, Bridgenorth
Wigram, sir Robert. Lestwithiel
Wilberforce, William, Bramber
Wilbraham, Edw. B. Dover
Wildman, James B. Colchester
Wilkins, Walter, Radnorshire
Williams, Owen, Marlow
Williams, sir Robert, bart. Carnarvonshire
Williams, Robert, Dorchester
*Williams, William, Weymouth
Willoughby, Henry, Newark
*Wilmot, Robert J. Newcastle, Stafford
*Wilson, sir Robert, Southwark
*Wilson, Thomas, London
Wodehouse, Edmond, Norfolk
*Wodehouse, hon. John, Marlborough
Wood, Matthew, London
Wood, Thomas, Breconshire
Worcester, marquis of, Monmouth
Wright, John Atkins, Oxford city
Wrottesley, Henry, Brackley
*Wyndham, Whadham, New Sarum
Wynn, Charles Watkin W. Montgomeryshire
Wynn, sir W. W. bart. Denbighshire
Yorke, sir Joseph Sydney, Ryegate

LIST OF THE SIXTEEN PEERS FOR SCOTLAND.

Arbuthnot, John, viscount Arbuthnot
Colville, John, baron Colville
Douglas, Charles, marquis of Queensbury
Erskine, Thomas, earl of Kellie
Forbes, James Ochoncar, baron Forbes
Fraser, Alexander George, baron Salton
Gray, Francis, baron Gray
Hay, George, marquis of Tweedale
Hay, William, earl of Errol
Kerr, James Innis, duke of Roxburghe
Kerr, William, marquis of Lothian
Lindsay, Alexander, earl of Balcarras
Napier, Francis, baron Napier
Primrose, Archibald John, earl of Rosebury
Ramey, Alexander Home, earl of Home
St. Clair, Charles, baron Sinclair

LIST OF THE

PRINCE REGENT'S MINISTERS,

As it stood at the Opening of the Session, January 1819.

CABINET MINISTERS.

Earl of Harrowby	Lord President of the Council.
Lord Eldon	Lord High Chancellor.
Earl of Westmoreland	Lord Privy Seal.
Earl of Liverpool	First Lord of the Treasury.
Right Hon. Nicholas Vansittart	Chancellor and Under-Treasurer of the Exchequer, and Chancellor of the Exchequer for Ireland.
Viscount Melville	First Lord of the Admiralty.
Duke of Wellington	Master-General of the Ordnance.
Viscount Sidmouth	Secretary of State for the Home Department.
Viscount Castlereagh	Secretary of State for Foreign Affairs.
Earl Bathurst	Secretary of State for the Department of War and the Colonies.
Right Hon. George Canning	President of the Board of Control for the Affairs of India.
Right Hon. Charles Bragge Bathurst	Chancellor of the Duchy of Lancaster.
Right Hon. W. W. Pole	Master of the Mint.
Right Hon. F. J. Robinson	Treasurer of the Navy, and President of the Board of Trade.
Earl of Mulgrave	

NOT OF THE CABINET.

Viscount Palmerston	Secretary at War.
Right Hon. Charles Long	Paymaster-General of the Forces.
Earl of Chichester	Joint Postmaster-General.
Marquis of Salisbury	
Right Hon. Charles Arbuthnot	Joint Secretaries of the Treasury.
S. R. Lushington, esq.	
Hon. Thomas Wallace	Vice-President of the Board of Trade.
Right Hon. Thos. Plumer	Master of the Rolls.
Right Hon. Sir John Leach	Vice Chancellor.
Sir Samuel Shepherd	Attorney General.
Sir Robert Gifford	Solicitor General.

PERSONS IN THE MINISTRY OF IRELAND.

Earl Talbot	Lord Lieutenant.
Lord Manners	Lord High Chancellor.
Right Hon. Charles Grant	Chief Secretary.
Right Hon. Sir G. F. Hill	Vice Treasurer.

ERRATUM.

Page 845, Line 27, for *List of the Minority*, read *List of the Majority*.

THE

Parliamentary Debates

During the First Session of the Sixth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Fourteenth Day of January 1819, in the Fifty-ninth Year of the Reign of His Majesty King GEORGE the Third.

[*Sess.* 1819.

HOUSE OF LORDS.

Thursday, January 14, 1819.

MEETING OF THE NEW PARLIAMENT.] This being the day appointed for the meeting of the New Parliament, several Lords came down to the House, and the clerks and officers resumed their respective stations. Soon after two o'clock the earl of Liverpool announced, that the Prince Regent had been graciously pleased, acting in the name and on the behalf of his Majesty, to cause letters patent to be issued under the Great Seal, appointing sir Richard Richards, Lord Chief Baron of his Majesty's Court of Exchequer, to sit in the place of the Lord Chancellor and Lord Keeper of the Great Seal, during the absence of such Lord Chancellor and Lord Keeper. The said letters patent being read, on the motion of the earl of Liverpool, it was ordered that the Lord Chief Baron should have the mace carried before him, and laid upon the woolsack. Lord Chief Baron Richards then advanced from towards the centre of the House, with the mace carried before him to the Woolsack, upon which the mace was laid, according to the accustomed form. His lordship stated, that the Prince Regent, acting in the name and on the behalf of his Majesty, had been graciously pleased to cause a commission to be issued under the Great Seal, appointing certain Lords therein named to declare the causes for holding this Parliament, and put the question of adjournment during pleasure, which was agreed to. Shortly afterwards the Lords Commissioners, namely, the Lord President of the Council (the earl of Harrowby), the Lord Privy Seal (the earl of Westmorland), the duke of Wellington, the earl of Shaftesbury, and the earl of Liverpool, entered the House in their robes, and took their seats, the Lord Chief Baron in the meantime retiring behind the throne. The Lord President, in the name of the Lords Commissioners, ordered the Gentleman Usher of the Black Rod to proceed to require the attendance of the Commons. The Gentleman Usher of the Black Rod went forth, and shortly afterwards returned with Mr. Dyson, the deputy clerk of the House of Commons, accompanied by a great number of members. On their coming to the bar, the Lord President said, "My Lords and Gentlemen, it not being convenient for the Prince Regent to attend here this day in person, his Royal Highness, acting in the name and on the behalf of his Majesty, has been graciously pleased to cause a Commission to be issued under the Great Seal, to us and other lords directed, authorizing us to open this Parliament, which Commission you will now hear read."—The Commission having been read by the clerk, the Lord President said,—"My Lords and Gentlemen, by virtue of the Commission which has been now read, and in pursuance of the commands of his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, we have to announce to you, that as soon as a sufficient number of members of both Houses shall be sworn, the causes for holding this parliament will

be declared. In the mean time, it is necessary that a Speaker of the House of Commons should be chosen. You, Gentlemen of the House of Commons, will therefore repair to the usual place of your sittings, and proceed to elect a fit and proper person to be your Speaker, which person you will present at this bar tomorrow, at two o'clock, for the purpose of his receiving the approbation of his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty."—Then the Commons withdrew, and the House was adjourned during pleasure.

HOUSE OF COMMONS.

Thursday, January 14.

CHOICE OF A SPEAKER.] At eleven o'clock the Lord Steward commenced administering the usual oaths in the Long Gallery, and as the members were sworn they entered the House. By two o'clock above two hundred members were present, and at half after two the gentleman usher of the Black Rod appeared at the bar to announce, that the Lords appointed by Commission to open the parliament required the attendance of that House in the House of Peers, to hear the said Commission read. Mr. Dyson, the deputy clerk, followed by a number of members, accordingly proceeded to the House of Peers. And the House being returned,

The Right Hon. *Robert Peel*, addressing himself to Mr. Dyson, deputy to the clerk of the House (who standing up, pointed to him, and then sat down) spoke to the following effect:

Sir; I rise to address you in consequence of the message which has just been communicated to us at the bar of the House of Lords, and in conformity with long established custom; by which we are directed to proceed to the performance of a duty, which, although the first in point of time, is certainly inferior to none with respect to its importance. That duty is, the election from amongst our number of a fit and proper person to act in the dignified situation of Speaker. In performing that duty, I need not say that it peculiarly behoves us to select a person duly qualified to discharge the functions of an office so distinguished as almost to be considered a separate branch of the legislature;—an office which has this peculiar character, that it is the only high and important situation in the state which does not depend on the nomination of the crown, but which proceeds entirely from the election of the people. The office of Speaker of the House of Commons is of a character not more remarkable for its great antiquity, than on account of the extent of the trust reposed in the individual appointed to that high situation. Its duties are so many and important, and the House is so accustomed to witness their performance, so deeply interested in their due discharge, that it would be superfluous, and indeed presumptuous in me to enter at large into their detail. Every one who now hears me, even those who now attend here for the first time to assist in our deliberations, must be aware of the duties which the Speaker has to perform in this House. To him it belongs to preside over all our proceedings, to deliver his opinion with promptitude and decision on any disputed point referred to his consideration, to preserve order in the discussions of the House, to regulate its forms, to exercise its collective authority, to denounce its censure, and to communicate those testimonies of national approbation and gratitude, which must ever form the strongest excitement and the highest reward to honourable minds. I should be ashamed of enlarging on this topic if I were not enabled to avail myself of the emphatic language of a celebrated personage who filled the chair in the time of Charles the 1st—I mean Mr. Serjeant Glanville—which, although it savours somewhat of the quaintness of antiquity, fully described the duties attached to this important office. "I am elected," said he, "to be the mouth, indeed the servant of the House of Commons; to steer, watchfully and prudently, in all their weighty consultations and debates; to collect faithfully and readily the genuine sense of a numerous assembly; to propound the same seasonably, and to mould it into apt questions for final resolutions; and so represent them and their conclusions, their declarations and petitions, upon all urgent occasions, with truth, with right, with life, with lustre, and with full advantage to your most excellent majesty."* But those duties of the Speaker which are discharged within our walls, constitute but a small, and not the most important, part of the great func-

* Parliamentary History, vol. 2, p. 535.

tions committed to him. Not only is he selected for the guardian of our own rights—we also select him for the performance of duties in which the people at large are no less interested than ourselves—duties, the execution of which must affect even the remotest posterity. We do not select him merely to make a formal demand of those rights and privileges which were claimed and asserted by our ancestors, which are as much ours as our lives, and general liberties—no, we select him as the centinel to guard against all slight encroachments on our privileges, to detect those trivial departures from established forms which are the more dangerous because, from their apparent want of importance, they are likely to escape attention, and because the danger to be apprehended from them seems to be too remote to demand an immediate interference. The necessity of providing a check against such contingencies is pointed out by reason and history. It has been well remarked, that in all free and of course complicated governments, at some period or other, cases would occur when the interests of the different established orders of the state would clash, and questions would arise on the particular privileges of each. Without the exertion of unremitting vigilance, it is impossible to guard against encroachments pregnant with the most dangerous consequences. It is impossible for any person to take the most imperfect view of the history of this House, it is impossible for any person to throw the most rapid and cursory glance over its increased influence in the state, without perceiving the immense importance of that unrelaxing jealousy with which we have almost invariably resisted the slightest encroachment on our privileges. To nothing are we so much indebted for the enjoyment of that right which the House has most at heart, which establishes its equality with the other branch of the legislature—I mean the right of originating taxes, of commencing every measure in which the public money is concerned; that great privilege by which we can rebut every attempt from any other quarter to interfere with the property of the people—to no cause are we so much indebted for the preservation of that right as to the constant and anxious solicitude with which the House of Commons has looked out for and provided against dangers, the approach of which could be detected only by the keenest eye. It is not possible to examine the Journals of the House without remarking the scrupulous nicety with which it has regarded a departure from the most minute forms. Danger it was felt might be connected with an amendment to some private bill, with an alteration in some penalty, with a charge in some appropriation, or with some other matter, equally trivial in appearance, which inattention or neglect might pass over unnoticed, but which in the result might affect, not merely those immediately interested, but even the remotest generations.

For the adequate performance of such duties as I have described, it is evident that great and various qualifications are necessary—qualifications not inconsistent or incompatible with each other, but which are rarely associated in a single individual. We require of our Speaker, in the discharge of his duty, unwearied attention, prompt decision, the utmost presence of mind, and the greatest facility in the dispatch of business. With these qualifications we demand others that are not commonly supposed to accompany those faculties which characterize men of high ability. We require a mind capable of taking a comprehensive view of the historical events, the commercial relations, and the high political interests of the country, and yet capable of withdrawing itself from the contemplation of such important and interesting subjects, and of descending to the discussion of some insulated principle—to the investigation of some trifling point of order, some almost obsolete form, or some nearly forgotten privilege.

It is, perhaps, necessary for me to make some apology for thus having attempted to detail the various qualifications and duties of the important office under our consideration. The only excuse I have to offer is, the usage on similar occasions, and the great number of gentlemen surrounding me who now sit for the first time, in this house.—I will now, however, Sir, proceed to the more immediate object for which I rose, namely, to propose to the House, the selection of an individual to undertake this honourable, but difficult office. And in doing this, I assure the House, that I would not have suffered myself to be betrayed into the proposition which I am about to make by the partiality of private friendship, if I

*

had not felt a strong conviction that it was in unison with the sentiments of the House, and a confident hope that it would meet with their unanimous concurrence. I trust, Sir, that in proposing to the House, that he to whom this most important trust was confided by our predecessors, be continued in the possession of it—that the right honorable Charles Manners Sutton be again placed in our chair—I shall meet with the general support of those whom I have the honor of addressing. The experience we have had of his conduct in that exalted situation, has of course been short. But, such as it has been, I may with confidence appeal to those who hear me, whether it did not fully justify the expectations of his friends, whether it did not bear out all those liberal admissions which were made by those, who, while they recorded their preference of another, gave testimony of the high sense they entertained of his talents and his virtues. Sir, those liberal admissions were drawn forth by the recollection of what his conduct had been in another office, which required for the perfect discharge of its duties, many qualifications similar to those which are necessary for the formation of an efficient Speaker.* The office to which I allude demands constant attention, which is, indeed, indispensable for the administration of all justice, but which is peculiarly necessary for the branch of it that was entrusted to his superintendance, from the great extent of the military body over which he presided. Beyond this the situation required great knowledge of mankind, great delicacy (from the nature of the business which was to be transacted, and the rank and habits of those with whom he had to communicate), great patience great vigilance, great equanimity, and deep forethought. The tenor of that office imposed on him the duty of taking a part in the deliberations of this House, when military subjects connected with the functions which he had to discharge, were introduced; and I am sure I can safely say in the presence of those who heard him, and who are immediately interested in those subjects, that while he defended his opinions with warmth and earnestness, he never lost sight of decorous feeling; that while he exhibited the honourable zeal and boldness which are inseparable from conscious innocence, he constantly avoided the use of any expression that could wound the feelings of any man. Such, too, was his deportment during the short time that he was in the chair of this house, that should it again be his lot to fill that distinguished situation, he will commence his new career without the risk of encountering a single foe, and his anxiety to avoid overstepping the bounds of moderation and forbearance on every occasion, so essential to the maintenance of the dignity of the chair, gives the best assurance that he never will make one.

Of his other qualities it is unnecessary for me to speak;—his facility of access, his readiness at all times to afford information, his uniformly mild and conciliatory manners; these are well known to all who sat in the late parliament. But, in alluding to the qualifications which I conceive to be necessary in a Speaker, there is one which I wish particularly to notice. Whatever may be his talents and attainments, I consider it absolutely necessary that he should possess the confidence of the House. That confidence, no rank, no talents, no attainments can command, while we bow with ready deference to high integrity and lofty-minded independence. It is upon this principle—on the possession of general confidence, that the individual whom I propose, stands on unassailable ground. He has sought, and he has obtained, the confidence of the House; without which, all the efforts of his authority would be nugatory. It is, Sir, an honorable and perhaps a peculiar destinction of this country, that what is called "private character" is the best foundation for the maintenance of rank and authority; that character commanding the greatest distinction, and shedding lustre on the brightest talents. Now, Sir, if there be any office in the appointment to which it is peculiarly desirable, that purity and excellence of private character should be attended to, it is that of Speaker of the House of Commons—an office, the powers of which are often exercised amidst the warmth of party feeling—exercised in the approbation of honourable actions, and the censure of base ones—exercised (it ought never to be forgotten) where the votes of the House are so nearly divided, that we entrust to the Speaker the right of giving force and validity to our resolutions—of imparting the whole weight of law to what would

* From October 1809 to June 1817, Mr. Manners Sutton filled the office of Judge Advocate General.

otherwise be merely waste-paper. When an honorable confidence is earned and obtained, we then give to the decisions of a Speaker, not a reluctant submission to their force, but a ready acquiescence in their justice. If, Sir, I am right—if I think correctly when I say, that the authority of station is much increased by that respect which we naturally pay to men distinguished by virtue as well as by talents, then I can recommend still more strongly the right hon. gentleman whom I have named; for without being guilty of the indecorum of raising the veil that conceals private life from public observation, I may appeal to every man who knows him, whether throughout his intercourse with mankind, he ever met with an individual of purer principles, of higher honour, of more spotless integrity of character? In times like these, when the acts of public men are not passed lightly over; when no very charitable judgment is commonly pronounced on their motives, his unblemished reputation has nobly stood the test of scrutiny; and he has not only escaped censure, but united all parties in his praise. I therefore move, Sir, "That the right hon. Charles Manners Sutton do take the Chair of this House as Speaker."

Lord *Clive* said:—Sir, when I consider the importance of the situation of Speaker —when I reflect on the abilities necessary to fill it effectively, and the knowledge both of the law and the constitution, which is requisite to enable an individual entrusted with the office satisfactorily to discharge his high duties—I feel that a great difficulty exists in finding an individual competent to so arduous an undertaking. The gentleman who has just been proposed by my right hon. friend, appears to me to possess in a very eminent degree, all the qualifications necessary for the important office in question. In addition to the high, but merited encomiums which have been bestowed upon him by my right hon. friend, may be noticed the great practical knowledge of its arduous duties which he will bring with him to the chair, the patient attention with which, during the short time that he filled it in the last parliament, he listened to every thing which was said on either side of the House, and the impartial decisions he had given on those occasions, when, in the heat of animated discussion, the accustomed rules of debate were supposed to be violated. On all such occasions the House will enjoy the benefit of that calm but dignified manner with which—by a temperate and well-timed appeal, without forgetting what was due to the individual in error—he had shown that he can restrain that impetuosity which, if unchecked, would frequently lead to the destruction of the harmony that ought always to attend grave legislative deliberations. On every occasion he has displayed a happy intimacy with our usages and institutions which has called forth general applause and gratitude. His parliamentary learning, his indefatigable diligence, his patient research into the precedents and authorities of former times, deserve the highest encomium. Nor let me forget the perseverance with which he discharged another duty of a very important nature, and not the less important, because not under the public eye, I mean the laborious examination of those private bills by which the disposition of millions of property are annually regulated.—Amongst these and his many other high qualifications, there is one which, although adverted to by my right hon. friend, I cannot prevail on myself to pass over wholly without notice. It is the pure and unblemished character for which he is justly admired by all who have seen or heard any thing of him. Happily, this is in England particularly looked to as a criterion by which to judge of the fitness of an individual, for an office of high trust; but if it be a necessary consideration in the appointment to any office, it is doubly so in the appointment to that of Speaker of the House of Commons. In that situation, as has been so eloquently expressed by my right hon. friend, the mere possession of commanding talents, and an accurate knowledge of the laws, customs, and prerogatives of the House is not sufficient, unless accompanied by our perfect confidence. To prove that these qualifications are possessed by Mr. Sutton, it is only necessary for me to repeat my appeal to his conduct in the last parliament. It is fortunate for those who have the honour of proposing his return to the chair, that we are not recommending a stranger to fill that high office. To the knowledge which the majority of the House have of the manner in which he has already conducted himself as Speaker, he will be more indebted on the present occasion than to any thing that his friends, however truly, can say. The House has had experience

of him, under circumstances of peculiar difficulty; succeeding as he did an individual, who was perhaps the most eminent of the highly-gifted persons who have filled the situation of Speaker, since the commencement of his present majesty's reign. Under those circumstances, he fulfilled the complicated duties of his office, in a manner that fully entitles him to the eloquent eulogium which my right hon. friend has just pronounced; he secured that character in the House, for attention, impartiality and ability, which completely justifies my right hon. friend, in offering him for our choice this day. That the proposition will be cheerfully supported I cannot doubt; and I could not refuse myself the satisfaction of appearing amongst those who were anxious to do justice to the right hon. gentleman's merits, being perfectly satisfied, that if it should please the House to adopt the recommendation of my right hon. friend, Mr. Sutton, as long as he fills the office of Speaker, will perform his various duties in such a manner as to justify our selection, and to deserve our thanks. He will, I am confident, support the honour and dignity of parliament within our walls; and, whenever it may become necessary to communicate with the other branch of the legislature, he will secure for himself and for us that respect, which it is desirable that each great body of the state should feel towards the other. Under these circumstances, it would ill become me, after the eloquent speech of my right hon. friend, longer to detain the House, than to state that I most cordially second the motion which has just been made.

Mr. *Barnett* said:—Sir; I do not conceive that I should discharge my duty were I to omit expressing my warm approbation of the present motion. Let it be remembered, as no small tribute to the talents and high character of the right hon. gentleman, that he was in the last parliament called upon to supply the place of a person whose great experience in the chair, whose learning, comprehension, and acuteness, rendered him justly formidable to any successor. And let it also be remembered, that he so closely followed the steps of the distinguished person I allude to, as to rival him in a proper and conscientious discharge of the duties of his high and important office. This resemblance of character is, in my opinion, the highest panegyric which can be bestowed on both those distinguished individuals. They have both been actuated by the noblest and most manly zeal, for the maintenance of the honour, dignity, and independence of this House. Such men are pre-eminently worthy of so great and sacred a trust. In supporting the present motion, I act from a conscientious sense of duty to the House, and to the country; and I most cordially wish the right hon. member about to be elevated to the chair, much health and happiness in the long enjoyment of that great and distinguished situation; being convinced that he will ever continue to perform its various and complicated duties, in the same manner that he has already done—with promptitude, integrity, and impartiality.

The House loudly calling Mr. Manners Sutton to the Chair,

Mr. *Manners Sutton* stood up in his place, and said:—

"It is impossible for me to express the sincerity of my gratitude to my right hon. and my noble friend for that kind review of my conduct, which their partiality rather than my merits has dictated, and to the House for the manner in which their proposition has been received. I cannot but feel how far my right hon. friend in his address to the House this day, has been induced, by sentiments of private regard, to overstep his usual accuracy in the enumeration of the qualifications he has attributed to me. To his liberal construction of the performance of my duties I owe the high compliments he has paid me, and I am also fully sensible, in the manner in which they have been received, how uniformly it is the characteristic of this House, to acknowledge and reward any well-intended exertions in the discharge of the duties which it imposes, however limited may be their character and extent. Of all this kindness and considerate indulgence of the House, I, who stood in so much need of it, have had abundant proof. And yet the expression of approbation of my former conduct in the chair—that expression too, emanating from those whose good opinion I must ever cherish as the most valuable reward which an honorable man can receive—from those who witnessed my humble services (such as they were) in the discharge of my duties in the last session of parliament—that expression of approbation, I must repeat, is one which necessarily calls forth my warmest grati-

tude, and must ever impress on my mind, the deep obligations I owe to those who have conferred it on me. In every word which has fallen from my right honourable and my noble friend, respecting the difficulty and importance of the duties of the person who is destined to fill the chair of this House, I fully and entirely concur. They are attended with difficulties in their nature sufficient to make any man, be he whom he may, distrustful of his own abilities; the more especially when he recollects the able manner in which the functions of the high office in question were performed by the distinguished person whom I had the honour of succeeding. I am, I unfeignedly assure the House, distrustful of my powers for the due discharge of so important a trust. Nevertheless, if it shall be their pleasure a second time to confer on me the high honour of filling that chair, it shall be my constant and unwearied effort to do my best in the fulfilment of its several duties; always relying on that indulgence and kindness of which I have already had such abundant experience."

The cry of "Chair! Chair!" then resounded from all parts of the house; on which Mr. Manners Sutton was conducted from his seat to the chair by Mr. Peel, and lord Clive, where, standing on the upper step, he addressed the House to the following effect:—

"In offering my most respectful and cordial thanks to the House, for having conferred upon me the highest honour which it has in its power to bestow, I have only, with the utmost sincerity to assure the House, that I will strain every nerve to justify the choice it has made, by a strict, steady, faithful, and impartial discharge of the duties entrusted to me."

And thereupon he sat down in the chair; and then the mace (which before lay under the table) was laid upon the table.

Mr. *Canning* then spoke to the following effect:—Sir; In rising to move the adjournment of this House, I cannot refrain from availing myself of the opportunity of congratulating, not so much you, Sir, as the House itself, on the choice which it has just made of a member to preside over its deliberations. The various and important functions belonging, Sir, to your high station, have been already so accurately and eloquently described, that not one word more need be said on that subject. What we have just heard from you, Sir, is sufficient to prove how high your estimate is of your duties, and although you have spoken distrustingly of your qualifications to discharge them, you have pledged your determination to exert yourself to the utmost in the justification of the choice that we have made. But, Sir, however implicit the credit with which we must be disposed to receive the declarations and promises of a man of your character, we have on the present occasion, something more than declarations and promises to assure us of the fulfilment of our expectations. We have, Sir, your own example—we have the experience of your conduct in the term during which you presided over the discussions of the last parliament. You were last year, Sir, elected to the chair of this House, after a contest with a gentleman, to be put in competition with whom is no disparagement, but a high credit to any man, be his character what it may.* Yet, Sir, I am at a loss to say, whether the contest of that day, or the unanimity of this, reflects the greater honour on the object of our choice. In that contest there was not the slightest mixture of those asperities which political rivalry is too apt to engender. Every member gave his vote as his peculiar predilections led him, without evincing the least disposition to undervalue the pretensions of the respective opponents. The unanimity on the present occasion, is as wise as it is generous. Generous—because it offers that homage which past services merit; wise—inasmuch as no man can feel humbled by the uninvidious superiority which the qualifications of the individual whom we have chosen, have acquired by their having been tried. That you may long continue to fill the station to which you have been thus honourably raised, is, I am sure, the wish of every gentleman who hears me. And I am also persuaded that we agree in the confident expectation, that as long as you remain in that high situation, you will preside over our debates with a firm but temperate authority, and, above all, with an impartiality which will show that you consider yourself the servant of the whole house. That you may long go on in the course which has already placed you so high in our estimation, is not more our wish than it is our confident expectation; and as you have on this occasion united

* Mr. Charles Willliams Wynn. See vol. 36. p. 843.

our suffrages, so I am persuaded you will, on all future ones, command our universal respect. As there is no business before the House, it only remains for me, Sir, to move, that we do now adjourn.

The House accordingly adjourned.

HOUSE OF LORDS.

Friday, January 15.

The House of Commons having been summoned by the Black Rod, the Speaker elect addressed the Lords Commissioners as follows:—

"My lords; in obedience to the commands of his royal highness the Prince Regent, acting in the name and on the behalf of his majesty, his Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland have proceeded to the exercise of their actual and undoubted right of electing a Speaker, and it is now my duty to acquaint your lordships that their choice has fallen upon me.—Whatever considerations, my lords, may have weighed with his Majesty's faithful Commons in forming this determination, they are well aware that such election never can be final until it is sanctioned by the royal approbation; and I now, my lords, with all humility, do, on their behalf, present myself in this place, in order that his Majesty's faithful Commons may learn whether it be the royal pleasure that they shall proceed to a re-consideration of the choice which they have made."

The *Lord President* then said:—"Mr. Manners Sutton; we have it in command from his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, to inform you, that his Royal Highness, fully confident of your eminent and tried abilities, and fitness to discharge the important duties of Speaker of the House of Commons, to which you have been elected by them, has been pleased to command us to signify to you, that his Royal Highness fully approves of the choice which the Commons have made; and that his Royal Highness therefore, in the name and on the behalf of his Majesty, doth approve and confirm you to be their Speaker."

The *Speaker* then said:—

"My lords; since his royal highness the Prince Regent, acting in the name and on behalf of his majesty, has been graciously pleased to approve of the choice which his majesty's faithful Commons have made, I submit myself with all humility to the royal will and pleasure. And I do now, my lords, in the name and on behalf of the Commons of the united kingdom of Great Britain and Ireland, in parliament assembled, lay claim, by humble petition, to all their antient and undoubted rights and privileges; more especially freedom of speech in all their debates; freedom from arrest and molestation for themselves, their estates, and servants; free access to the royal person whenever occasion shall require; and the most favourable construction of all their proceedings.—For myself, my lords, I have most humbly to crave of his Royal Highness, that whatever errors or imperfections in the discharge of my duties may occur, may be attributed to me alone, and not to his majesty's faithful Commons."

The *Lord President* replied:—

"Mr. Speaker; We have it farther in command from his royal highness the Prince Regent, acting in the name and on the behalf of his majesty, to inform you, that his Royal Highness most freely grants and allows to his majesty's faithful Commons, all those rights and privileges, in the most full and ample manner, which have ever been granted to them by his majesty, or by any of his royal predecessors. With respect to what regards yourself, Mr. Speaker, you may be assured, that his Royal Highness, judging from what has taken place in the last parliament, will at all times be anxiously inclined to put the most favourable construction upon all your words and actions, in the discharge of your highly important duties."

The Commons then withdrew, and the Lords Commissioners retired to unrobe. After which the clerk proceeded to swear in the peers.

HOUSE OF COMMONS.

Friday, January 15.

The Commons being returned from the House of Peers,

The *Speaker* addressed the House as follows:

I have to acquaint the House, that this House has been in the House of Peers, where the Lords Commissioners have declared, that his royal highness the Prince Regent, acting in the name and on behalf of his majesty, has been pleased to approve of the choice which this House has made in electing me to be their

Speaker.—And I have thereupon in the name and on behalf of the Commons of the united kingdom, laid claim to all their ancient and undoubted rights and privileges: freedom of speech in debate, freedom from arrest and molestation for their persons, their estates and servants; free access to the royal presence whenever occasion shall require, and the most favourable construction of all their proceedings; all which have been confirmed to them in as full and ample manner, as they have been at any time granted or allowed by his majesty, or any of his royal predecessors. I may now once more be permitted to express to the House my unfeigned gratitude for this most distinguished mark of its confidence, in again electing me to the Chair. I implore of the House its constant and steady support, in enabling me to maintain a strict attention to its established rules and orders, which are not more essential to the convenient dispatch of business, than they are to the dignity and independence of the House itself. I have now only farther to submit to the House, that the first proceeding is for each member to take the oaths of Allegiance and Supremacy, to make and subscribe the Declaration, and also to take and subscribe the Oaths of Abjuration and Qualification, as by law required."

The Speaker then proceeded, as the first Commoner, to take the oaths. The other members were then called up to the bar in alphabetical order, according to the counties they represented, and took the oaths.

HOUSE OF LORDS.

Thursday, January 21.

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION]. This day the session was opened by commission. The Commissioners were the Lord Chancellor, the Archbishop of Canterbury, the earl of Harrowby, lord president; the earl of Westmorland, lord privy seal; and the duke of Wellington. The Usher of the Black Rod having been sent to desire the attendance of the House of Commons, the Speaker, accompanied by a great number of members, came to the bar, when the Prince Regent's Speech was read by the Lord Chancellor, as follows:

"My Lords, and Gentlemen;

"We are commanded by his Royal Highness the Prince Regent to express to you the deep regret which he feels in the continuance of his Majesty's lamented indisposition.

"In announcing to you the severe calamity with which it has pleased Divine Providence to visit the Prince Regent, the Royal Family, and the nation, by the death of her Majesty the Queen of the United Kingdom, his Royal Highness has commanded us to direct your attention to the consideration of such measures as this melancholy event has rendered necessary and expedient, with respect to the Care of his Majesty's sacred person.

"We are directed to inform you, that the negotiations which have taken place at Aix-la-Chapelle, have led to the evacuation of the French territory by the allied armies.

"The Prince Regent has given orders, that the Convention concluded for this purpose, as well as the other documents connected with this arrangement, shall be laid before you; and he is persuaded, that you will view with peculiar satisfaction the intimate union which so happily subsists amongst the powers who were parties to these transactions, and the unvaried disposition which has been manifested in all their proceedings for the preservation of the peace and tranquillity of Europe.

"The Prince Regent has commanded us further to acquaint you, that a Treaty has been concluded between his royal highness and the government of the United States of America, for the renewal, for a further term of years, of the Commercial Convention now subsisting between the two nations, and for the amicable adjustment of several points of mutual importance to the interests of both countries; and, as soon as the ratifications shall have been exchanged, his Royal Highness will give directions that a copy of this Treaty shall be laid before you.

"Gentlemen of the House of Commons;

"The Prince Regent has directed that the estimates for the current year shall be laid before you.

"His Royal Highness feels assured, that you will learn with satisfaction the extent of reduction which the present situation of Europe, and the circumstances of the British Empire, have enabled his Royal Highness to effect in the naval and military establishments of the country.

"His Royal Highness has also the gratification of announcing to you, a considerable and progressive improvement of the revenue, in its most important branches.

"My Lords and Gentlemen;

"The Prince Regent has directed to be laid before you such papers as are necessary to show the origin and result of the war in the East Indies.

"His Royal Highness commands us to inform you, that the operations undertaken by the governor-general in council, against the Pindarries, were dictated by the strictest principles of self-defence; and that in the extended hostilities which followed upon those operations, the Mahratta princes were, in every instance, the aggressors. Under the provident and skilful superintendence of the marquis of Hastings the campaign was marked, in every point, by brilliant achievements and successes; and his majesty's forces, and those of the East India Company (native as well as European), rivalled each other in sustaining the reputation of the British arms.

"The Prince Regent has the greatest pleasure in being able to inform you, that the trade, commerce, and manufactures of the country are in a most flourishing condition.

"The favourable change which has so rapidly taken place in the internal circumstances of the United Kingdom, affords the strongest proof of the solidity of its resources.

"To cultivate and improve the advantages of our present situation will be the object of your deliberations; and his Royal Highness has commanded us to assure you of his disposition to concur and co-operate in whatever may be best calculated to secure to his majesty's subjects the full benefits of that state of peace, which, by the blessing of Providence, has been so happily re-established throughout Europe."

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] The Prince Regent's Speech having been again read by the Lord Chancellor, and also by the reading clerk at the table,

The Earl of *Warwick* said, that in rising to require the concurrence of their lordships in the points contained in the Prince Regent's most gracious speech, he felt no inconsiderable reluctance, from a consciousness of his own inability to treat on such important subjects in a suitable manner; but he was encouraged by the assurance, that it required no very able advocate to secure their unqualified assent to the address he should have the honor to move, where every topic, save those with which the speech commenced, was calculated to excite feelings of gratification. The lamented indisposition of his majesty had ever been a cause of sorrow to their lordships; the continuance of it, therefore, could not fail to call forth the sincerest expression of their sympathy. They had also now to pay the mournful tribute of their sorrow to the memory of her late majesty, who, for so long and so eventful a period, had presided over the court of Great Britain, adorning it by her eminent virtues, and preserving its purity by her own proud example. During that period, the court of this country was the object of universal esteem and admiration; and now that it had lost her presence, by whom its character had been so highly elevated, it became every person in the country to mourn that event as one that claimed their deepest regret.—He then alluded to the other points touched upon in the speech from the throne, and observed, that on whichever side their lordships turned their attention, whether foreign or domestic, the whole scene presented a most cheering prospect. In adverting to the negotiations at Aix-la-Chapelle, he could not but rejoice that the result had been such as to prove the concord and agreement subsisting between the sovereigns of Europe, from which, added to the evacuation of France by the army of occupation, under the circumstances in which it had taken place, the most pleasing anticipation might be formed of the continuance of tranquillity in Europe—a result which could scarcely have been looked forward to some time

since, but which was the more pleasing, and so much the more a subject of congratulation to the Prince Regent, whose only object had been the happiness of the country. And it was so much the more a pleasing subject for congratulation, that the only object of the great contest in which we had been so long engaged, and which had so happily terminated, had been the welfare and tranquillity of the country. Had it been a warfare, the result of which was merely to gratify individual ambition, then, indeed, the bloodshed at Waterloo would have been shed in vain. As the contrary, however, was the case, the contest was carried on to secure the tranquillity, uphold the justice, and support the best interests of the country; and it was a proud and gratifying reflection, that by our high deeds in arms, the happiest result had been achieved, and that by means of the subsequent negotiations, there was every reason to anticipate, for a considerable time to come, the continuance of peace and tranquillity throughout Europe. Whilst Europe thus afforded a pleasing subject for contemplation, no less gratifying was our prospect in Asia, where our Indian possessions had been amply secured by means of the judicious measures of the marquess of Hastings, and the valour of our troops. In America we had the gratification of finding that a renewal of our treaty with the United States had taken place, and that the other subjects in discussion between the two powers had been satisfactorily arranged. All their lordships must, of course, rejoice in the improvement of our revenue, and in the increase of our commerce and manufactures, which was announced in the speech from the throne. Having now gone through all the topics which presented themselves to his notice, he had only to conclude by moving a dutiful address to his royal highness the Prince Regent.—His lordship then read the Address at the table; which was, as usual, an echo of the speech from the throne.

Lord *Saltoun* rose to second the address, and observed, that after what had been said by the noble earl, he did not think it necessary to take up much of their lordships' time; but in what he did say, he trusted to receive their usual indulgence. In adverting to the melancholy topic of the demise of the queen, although he could not add to what had been already said by his noble friend, he felt himself called upon to eulogize, as they eminently deserved, the private and domestic virtues of her late majesty, which had had, as an example, so highly beneficial an influence, but which also, at a time when demoralization had spread its baneful effects in a neighbouring country, became a splendid and a memorable example to Europe; nor ought the extensive charities of her majesty to be passed over—charities which, little known during her life-time, had become fully and eminently displayed after her demise. He would not take up the time of their lordships in commenting upon the important treaty concluded at Aix-la-Chapelle: when the papers themselves were laid upon their lordships' table, it would be time enough to discuss their merits in a full and ample manner. It remained only for him at this moment to congratulate their lordships on the conclusion of such a treaty, and to express an ardent hope, that the peace which followed it would be as substantial as it was advantageous to the country. France was now independent of all control, and her king was beloved by his people. The army of occupation was removed; and he believed that it would be acknowledged on all hands, that the manner in which the military had conducted themselves had been highly praiseworthy. Peace and tranquillity was now looked for on every side; and he saw no reason to doubt, but that the French nation were equally anxious with the English for the continuance of tranquillity. After commenting upon the amicable spirit which had been displayed by the cabinet at Washington, and after congratulating the House upon the many advantages which would result from the commercial treaty concluded with America, he adverted to the war in India. A series of depredations, which had been committed by the inimical powers, rendered it necessary that some decisive steps should be taken to quell their audacious spirit. This had been effected by the most brilliant achievements, and the war had now been happily terminated. He then congratulated the House upon the prosperous state of the manufactures and commerce of the country, and upon the important reductions which had been made in the military and naval establishments, and concluded with seconding the Address.

The Marquis of *Lansdowne* did not feel himself called upon to offer any opposition to the address, which had been supported with great propriety by his noble

relation who moved it, as well as by the noble lord who seconded it. It was with great satisfaction he made this declaration, because, painful as it was at all times to oppose an address to the throne, it would have been infinitely more painful to have resorted to such a course on the present occasion, when part of the proposed address consisted of condolence on an event, with respect to which there could be but one sentiment in that House. In giving a general concurrence to the address, he, however, regarded himself bound at the same time to state a few considerations which the communication from the throne presented to his mind, not as objections to the motion now made, but as having reference to topics which had been omitted. Those topics were numerous; but as the framers of the communication had, among the various subjects which presented themselves, selected only what they perhaps thought the most important, so he might be permitted to follow the same course in calling their lordships' attention to the omission. He must, however, previously observe, in reference to that part of the address which offered congratulations on the maintenance of the peace and tranquillity of Europe, that he participated in all the sentiments expressed by the mover and seconder. In what degree the hope of the duration of that peace might be well founded, he could not venture to give a positive opinion, until the relations of the states which formed that balance of power by which the peace was to be maintained should be better known. He was ready to admit, that our relations with at least one great member of the alliance appeared at present to be such as were favourable to tranquillity; but what he chiefly relied upon for the continuance of that blessing was the state of France. He therefore most sincerely concurred in all that was stated in the address relative to the evacuation of the French territory. He rejoiced to see France restored to her proper rank in the system of Europe; for he was one of those who were of opinion, that it was impossible to rely on the continuance of peace if that country remained long in the state in which it was left by the late treaty of Paris. He was happy to find that the principle of rendering France a member of the great European confederacy was adopted: that was a course of policy which the state of Europe required. It was also with much pleasure that he perceived what had been done by treaty, well seconded in France by the adoption of a system of internal policy best calculated to give popularity to the government which wisely sought its preservation and security, by the establishment of those free institutions on which the happiness and prosperity of the country must ultimately depend. For these reasons, he relied for the continuance of peace, far more on the state of France itself, than on relations subsisting between this and other countries.—Having said thus much with respect to the treaty concluded at Aix-la-Chapelle, he could not dismiss the subject without adverting to another point of great importance connected with these negotiations. The communication from the throne would have afforded him infinitely more satisfaction had the information respecting the conclusion of the treaty of Aix-la-Chapelle been accompanied by an assurance that proper steps had been taken to complete the abolition of the slave-trade. Happy should he have been to have heard that this great object had been accomplished by the general agreement of all the powers, and in particular by the establishment of that right of search without which nothing effectual could be done. This subject was one which must have occupied the consideration of the ministers assembled at the congress: it was one which his majesty's ministers would not fail to urge on the attention of that assembly; but the silence of the speech too plainly indicated that the result had not been successful. He was sorry, however, that nothing was said on the subject. He should have been glad to have heard it declared, that his majesty's ministers were continuing their efforts for the accomplishment of this great object, and that they would not relax until a final blow should be given to that traffic, the abolition of which was called for, not only by humanity, but by the interests of all civilized nations. The state of the revenue formed another topic of the message; and what was said on that subject afforded him satisfaction. He was happy to find that the state of things which he anticipated last year was realized, and that there had been a revival of commerce and industry, which was necessarily accompanied by an improvement of the revenue. That improvement was, indeed, chiefly valuable, as the index of that revival of active industry which was the basis of all national wealth and

prosperity. Whether the effects of the revival of trade had as yet reached those to whom it was of the greatest importance it should extend, namely, the labouring and agricultural classes, was still doubtful. In the mean time, while admitting the advantage which the prospect of an improving revenue afforded, he must remind their lordships, that the prospect was by no means such as to relieve them from anxiety respecting the state of the finances, or to induce them to relax in their endeavours to reduce the expenditure of the country to a more economical scale. The improvement of the consolidated fund, as compared with former years, had been stated at 3,000,000*l.*; but the actual surplus was only between 200,000*l.* and 300,000*l.*, and that was more than swallowed up by preceding deficiencies. Their lordships must besides recollect, that even calculating the improvement of the revenue to its fullest extent, it would not exceed 53 or at most 54,000,000*l.*, while the expenditure amounted to 68,000,000*l.* Thus, notwithstanding the improvement which now formed a subject for their lordships' congratulation, there would remain a deficiency of 14,000,000*l.*: this was a sum equal to the amount of the income of the sinking fund, if the application of that fund to supply the deficiencies of the revenue should ever be considered justifiable. As to what might be done in the way of reduction, he could at present form no certain opinion; but he did not anticipate that ministers would carry them beyond 4,000,000*l.* The state of the finances was, however, such as to call for the immediate and earnest attention of their lordships. It would be their duty to take a careful review of the whole of the expenditure, in order to ascertain what reductions could be made, and how far it might be practicable to diminish the burden of that debt which so powerfully counteracted industry, and the evil of which would be so strongly felt, were another war to call on the country for the exercise of its energies, and the full developement of its resources. Having now noticed what appeared to him to be the principal topics introduced into the speech, he had to regret that it communicated nothing on a subject of far greater importance than the improvement of the revenue: he meant the state of the currency. This was a subject of far more importance than any increase of revenue, inasmuch as the basis of a system was of more importance than the actual state of the superstructure raised upon it. There could be no permanent improvement of the revenue without a full and careful revision of that system which had for years been the temporary law of the country. Here he was aware he might be told that there was no necessity for any information on this subject: it might be said, that he had only to look at the Statute-book; that he would see that the act which restrained the Bank from paying in specie would expire in the course of the present year, and that the currency would then return to its former state. In answer to this he had only to refer to the past. Assurances had before been given that the act would be allowed to expire; and yet, in spite of those assurances, it had been renewed. He would ask, whether, after all that had happened, any one who heard him, any man in the country, could rely on the resumption of cash payments. Was it possible for any person to entertain a confident opinion on the subject? In such a state of uncertainty, no speculation in property could be entered on without there being reason to apprehend that the calculations on which it was founded would be deranged by this system. The state of the currency, their lordships would recollect, was not a financial question of an ordinary kind. It went to the foundation of all property: it embraced the consideration of the safety of all classes; and it was for the interest of the Bank Directors themselves, as well as of any other individuals in the country, that a prompt decision should be adopted. It was full time to come to a determination on this subject. Was it or was it not the intention of ministers to propose to go on with the system? If they made no determination now, those interests which had already been materially affected by the restriction on cash payments would become still more deeply involved. The bearing the system had on the state of the poor laws was another consideration which carried with it a strong motive for a speedy decision. It was also to be recollected, that whenever their lordships directed their attention to this system, they would have also to take a view of that severe and dreadful penal code, by which the system of paper currency, if it longer existed, must be upheld. Upon the question of expediency of continuing the present currency, would depend that of maintaining in force laws which huma-

nity and the opinion of the country had condemned. He knew it might be said, that there would be time enough for the consideration of these subjects, and that the Bank Restriction Act would not expire for some months. It was sufficient for him that he was persuaded from what had already occurred, the probability was, that when the month of May should arrive, without any one alteration in the state of public affairs having taken place which might warrant a change of determination, it would be discovered, that some concealed poison lurked in the prosperity which was now the subject of their lordships' congratulation. It would be found that that prosperity carried with it something which so far destroyed all its beneficial effects, as to render it impossible for the richest country in the world to command the use of the precious metals, or any thing of intrinsic value as a foundation for its currency. France, Italy, Switzerland, all other countries, however varied their forms of government, however different their social institutions, were able to command a circulation of the precious metals; but this country, where labour and industry were carried to the highest pitch, had none of the signs of that labour which was employed in producing silver and gold. The richest and most commercial country in the world was in this respect in a worse situation than the poorest and least industrious. Any further uncertainty on this vital question would be attended with dangerous consequences, and he therefore felt himself now bound to call for a distinct explanation of the views of ministers. If their intention was to allow the act to expire, the sooner that intention was known the better. The same observation applied to the opposite alternative; for it was of all things most important, that the state of doubt which at present prevailed should be removed. He should not detain their lordships much longer, but he could not sit down without adverting to the reference made in the speech and the address to the relations subsisting between this country and the United States of America—a nation, of which he always wished to speak with that respect and esteem which he sincerely felt. He learned with great satisfaction, that the treaty with these states had been renewed; but in noticing this topic at all, it was impossible not to recollect transactions which had lately occurred, in the course of certain military operations of the troops of the United States, and which transactions were of a nature to produce no slight sensation in this country, as they involved the sacrifice of the lives of two individuals who were British subjects. He alluded to transactions which had taken place in the course of hostilities between the United States and the Indians, within the Spanish settlements. Until, however, the government of the United States avowed or attempted to justify these transactions, he should withhold any positive opinion. He could at present only speak from what had been published as the proceedings of the military commission, or court-martial, as it styled itself, by which these persons were tried. The principle on which that court-martial proceeded, if consistent with military law, was one which could scarcely be expected to be enforced by such a government as the United States. There might be a pretence for applying such a law to Ambrister, who was taken with arms in his hands; but with regard to Arbuthnot, there appeared no pretext whatever. It appeared to be one of those naked acts of violence which disgraced those by whom it was committed. He had no doubt, however, that a distinct explanation would be received from the United States, as the nature of these transactions was inconsistent with the genius and free institutions of that government. He hoped the proceedings of the court-martial would be formally disavowed. With respect to the war in India, as far as he could at present form an opinion, it appeared not to have been undertaken from a spirit of conquest, but in resistance to aggression; and the manner in which it had been conducted and brought to a conclusion, he was happy to acknowledge, did honour to his majesty's arms. He had thought it necessary to make these general observations. He gave his concurrence to the address, but could not help regretting that some important points of internal policy, which must necessarily soon come under the consideration of their lordships, had been omitted in the Speech.

The Earl of *Liverpool* said, he had heard with great satisfaction what had fallen from the noble marquis. He was happy to observe the liberal view which the noble marquis had, in a manner so creditable to himself, taken of the speech and the address. The House, he was sure, would participate in the satisfaction he experienced on perceiving that nothing

was likely to occur to disturb that unanimity which on such an occasion as the present was particularly desirable. Before he adverted to the topics which the noble marquis had justly stated to be such as must demand the early consideration of their lordships, he must observe that it was naturally the desire of his majesty's ministers to avoid subjects on which a difference of opinion might arise. This was a course which he was confident their lordships would approve, at a time when they were called upon to express sentiments of condolence for the loss of a sovereign who had reigned for nearly sixty years in the hearts of the people. Unanimity on such an occasion was a mark of respect which their lordships would doubtless wish to show to him to whom the address was to be presented, while it also was a tribute due to her who was the subject of it. It was not an act of mere ceremony their lordships had to perform. It was not a mere act of private feeling, of respect to private virtues, but an important public duty. They lived at a period when the private virtues of persons in high stations formed, by their example, the best security for good morals and public virtue. With reference to this topic then, independent of any other consideration, their lordships would be well pleased to find, that no ground for difference of opinion had been afforded. The noble marquis had enumerated several other topics into which the speech might have entered, in addition to those to which it had alluded; but the House must be aware, that many of them could not have been introduced without provoking that kind of discussion which it is desirable at all times to avoid in addresses to the throne. Among these topics was the evacuation of France by the allied troops, a measure on which the noble marquis looked with approbation. He (lord Liverpool) partook in the feelings which had been expressed. The evacuation of France, coupled with the circumstances in which it took place, and the manner in which the resolution regarding it among the allied powers was adopted, afforded matter of congratulation to every man in this country and in Europe. In the first place, it was desirable that France should offer no grounds on which the military occupation of her territory could be any longer enforced. It was stipulated by treaty, that that military occupation should cease at the end of three years, if circumstances were such at that period as to render a continuance of it for five years unadvisable, when it was stipulated that at all events it should be at an end. By the most speedy termination of it, therefore, the allies showed that it was not their wish to continue it so long as they might have done, and that consequently the measure appeared to them originally one of necessity, and not of choice. From the time that the military occupation of France was determined on, he had always looked forward to the evacuation as a measure which, to be advantageous and agreeable to that country itself, must appear voluntary and cordial on the part of the allies. By shortening the term, such a result was obtained. The evacuation thus appeared more a matter of choice than necessity. The allies thus showed a desire to fulfil their engagements in the manner most favourable to the power with which they were contracted, and a disposition to forego those advantages to which they were entitled, by withdrawing their armies two years before the time stipulated. The noble marquis, in alluding to the conduct of our government, in its relations with the allied powers, in other respects, said he would not pronounce an opinion, and he (lord Liverpool) approved of his forbearance. Future opportunities would occur in which a discussion of our foreign policy would with more propriety, and with fuller information, take place. He felt, however, bound in conscience to declare, that so far as he knew, there never was a period in the history of the world when so general an anxiety prevailed to preserve the peace, when the causes of disturbance were so completely removed—when nations and sovereigns were more divested of ambition and the love of undue influence, and when the necessity of repose and the spirit of conciliation were more thoroughly acknowledged or acted upon over the European community. The noble marquis had done the government no more than justice in admitting that they had left out of the Speech any mention of the negotiations regarding the slave-trade at Congress, from no desire to shun discussion, but from an opinion that the present was not the most proper opportunity for entering upon it. He felt as strong a desire as any man, that the great work of the abolition should be completed; and he was of opinion that it could only be done by such a well-regulated right of

search as would effectually prevent the traffic. What had been done at Congress on this subject would be laid before their lordships on a proper opportunity. He congratulated the House on the improvement in the revenue, which had been progressive, and which had taken place principally in such articles as, while they contributed to the necessities of the state, afforded, by their consumption, the means of estimating the amelioration of the circumstances of the people. Into such details it was not now the proper time to enter. He admitted that it was the duty of the administration to endeavour to effect such reductions in the public establishments as would place the country on a solid foundation in point of revenue, by bringing its expenditure within its income. This was an object which ought never to be lost sight of, and which had never been out of the view of ministers. The reductions which had taken place since the peace were great and unprecedented. It was not common for any taxes to be abolished during the first years of a peace; but since the last peace no less than 17,500,000*l.* had been remitted. Whether such a reduction of taxes, at a time that the public debt was so great, indicated a wise policy or otherwise, was a question on which he would not now enter, but the fact was such as he had stated. The question of our finances was one that ought to be looked to with anxiety, not only with a view to the improvement of our revenue, but the reduction of our expenditure. He hoped that it would appear from the papers to be laid on the table, that no unimportant beginning had been made in this great work. It would then be seen that the country was by no means in an unsatisfactory condition regarding its finances. In alluding to this subject, the noble marquis had made some observations on our currency, and had blamed the omission of it, as a defect in the Speech. Now, he thought it would have been more extraordinary to have mentioned it. Such subjects were generally left to the spontaneous conduct of the ministry, and were brought forward and supported by them at the opportunity which they judged most proper, rather than introduced into the king's speech. He was free to say, that there was no man in the country more anxious than he was to see our currency restored to coin, or paper convertible into gold at the will of the holder: he had always expressed this wish, and had always maintained that our currency could not be restored to a sound state, till it was realized; but, at the same time, he had felt a difficulty with regard to the most proper occasion of putting an end to the system on which we had hitherto been acting, both during the progress of the war and after the return of peace. During the war it would have been impossible to have returned to cash payments, in the circumstances in which the country was placed; but he had always looked forward with pleasure to a time when such a return would be practicable without any danger. The noble marquis had expressed a hope that this session would not pass away without a full consideration of the subject, and a resolution in favour of cash-payments. He himself had stated his opinion on this subject last session. He then entertained a confident expectation, that but for certain contemplated operations in foreign loans, our currency might have been restored; but he thought there would be great danger in returning to cash-payments during the progress of these operations. There was another difficulty that occurred then, and which, when it did occur, would always have its influence—he meant an unfavourable state of the exchanges. There were some who maintained, that the state of the exchanges might be altered by the Bank, and a favourable one created. Into the discussion of this opinion he would not now enter, nor would he deny its justice; but he would say, that if attempted under such circumstances, it might produce much embarrassment and distress. He had no hesitation in saying that, considering the present state of the exchanges, and the progress of the pecuniary operations alluded to in last session, he thought it impossible that cash-payments could with safety be restored on the 5th of July next. If such should be found to be the case, it would be prudent to extend the Bank Restriction act till the succeeding session, when the whole question might be deliberately weighed and finally decided on. With regard to what the noble marquis had said about the Bank prosecutions for the forgery of their notes, he had only to observe, that a committee had been appointed on the order of the other House, and that this committee had prepared a report, stating that plans had been presented to them, by which if forgery could not be rendered impossible, it could at least be rendered extremely difficult. The no-

ble marquis had alluded to the execution of our countrymen, Arbuthnot and Ambrister; and the nation was aware, from the public prints, of the circumstances in which that execution took place. When the proper period arrived for discussing this subject, he would enter into the fullest explanations. At present he felt the impropriety of producing details which could not be deliberately examined. To quiet the minds of their lordships, however, he did not hesitate to state that the execution took place without the authority of the American government, that the act was done without their consent, and even without their knowledge.

The Earl of *Lauderdale* said, he could not feel the extreme satisfaction proposed to be expressed in the Address, at the flourishing state of the country. There had not, in his opinion, been such pains taken to reduce our expenditure as it was the duty of government to have taken. We had now 30,000,000*l.* of taxes, without including those war taxes which had been rendered permanent. How was it possible to imagine the continuance of such a load of taxation during peace? In the course the American war additional taxes had been laid on to the amount of 5,000,000*l.*; but so far were the ministers or the parliament of that time from considering such an increase of the public burdens as a matter of course, that the most rigid inquries were instituted by committees of the House into the necessity and expediency of such an increase. There was another thing which he must also notice. The commerce of England could not increase, without causing a corresponding increase in the commerce of other nations. The Speech did, it was true, mention the continuance of a commercial treaty between this country and the United States of America; but it was not mentioned, that in the treaty concluded at Aix-la-Chapelle, which was hereafter to be submitted to their lordships, any commercial arrangement whatever had been made with our allies on the continent. This was a circumstance which he could not help deprecating; for no commercial treaty could be made between two nations which would not prove beneficial to both the parties interested in it. Indeed, he would defy any statesman to make any such arrangement, without benefitting them both. The absurd regulations of the French government, whilst under a man of whom the noble earl opposite had often expressed the greatest abhorrence, were not more adverse to the free principles of commerce than the want of such arrangements. He must express a hope, that his majesty's ministers intended to recommend some fixed plan to the notice of the House on this point, because it was a point which deeply involved the interests of the community.—The consideration of the commerce of the country naturally led him to another subject intimately connected with it—he meant the paper currency. He had submitted to the House the propriety of an inquiry into the state of it during the last session of parliament, and he should feel it his duty to renew such a motion in the present. The noble earl opposite had then said, that the Bank Restriction act should expire on the 5th of July, and had held out expectations to the House and to the country that he was serious in making such a promise. What effect the noble earl's promises had produced on others, he could not tell; but this he knew, that though the noble earl might have taken others in by them, he had never taken in him. He had always been of opinion that the Restriction act could not expire at the period which was then stated; nor could any body give any security with regard to the time when it would ultimately expire, unless an inquiry were made in both Houses of Parliament into the present circulation of paper-money. He was not singular in this opinion; on the contrary, he was supported in it by many well-informed men; neither was it an opinion which he had lately adopted, but one which he had long and uniformly maintained; because he was convinced, that until some alterations were made in the present Mint regulations, it was quite vain to expect the expiration of the Restriction act. The noble earl might indeed prophecy and express hopes to the contrary; but he himself entertained a firm conviction, that the evidence which would result from such an inquiry as he contemplated, would decidedly prove the total impracticability of such hopes and such prophesies. Indeed, we had now dealt so long in paper-money, that we had almost forgotten every thing relating to a metallic currency. The Bank had, indeed, in April last, put 3,500,000 sovereigns and half-sovereigns into circulation; but it had since withheld the circulation of them, because it had disco-

vered that each of them could be disposed of in the market at six-pence profit. His lordship then quitted this subject for awhile, and alluded to the disturbances which had lately taken place in the manufacturing districts, regarding the reduced state of wages, and expressed his satisfaction that they were now over. In his opinion the wages of the manufacturers were sufficiently reduced already; and with a view to their advantage and the advantage of the different branches of the navy, he had proposed, and should again propose, that they should be paid in no other coin except the coin of the realm. A time of peace was a fit time for such a discussion; and he should therefore call the attention of the House at an early period of the session to the present mode of paying the navy in bills, which sometimes rendered the receiver of them liable to a loss of 35 per cent. He trusted that ministers would not give the go-by to such a question, by meeting it, as had been of late too much the custom, by the order of the day, but would go fully and fairly along with him in such an investigation, which to him appeared of the highest importance.

The Address was then agreed to *nem. dis.*

HOUSE OF COMMONS.

Thursday, January 21.

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] The Speaker acquainted the House, that that House had been in the House of Peers, where the Lords Commissioners had delivered a Speech to both Houses of Parliament, of which, to prevent mistakes, he had obtained a copy. [See p. 17.] After the Speaker had read the Speech,

Mr. *Brownlow* rose and spoke to the following effect:—I should indeed, Sir, present myself to your notice on this occasion with peculiar diffidence and embarrassment, did I not most sanguinely hope that, however inadequate my efforts may prove to engage the attention of the House, the same unanimous sentiments may be found to pervade his Majesty's Commons—those of pride and satisfaction in their country's calm peaceful joy, and of unbounded duty and attachment to that presiding wisdom and royal authority, from whence has proceeded the gracious Speech we have now heard delivered to us by the Lords Commissioners, so expressive of his Royal Highness's paternal regard for the welfare and happiness of his people.

With regard to the melancholy events with which this Speech has commenced, there can be but one opinion; for who that is an admirer of the virtues and excellencies of human nature, but must sympathize in the continued indisposition of our revered monarch; while I trust the House will not be merely guided by form, but irresistibly worked on by feelings of affectionate regret, to condole with his Royal Highness on the severe loss he has sustained in the death of her late Majesty. Surely, if weight can attach to the descending influence of royalty on the morals and happiness of society, in the queen, whose loss we deplore, has disappeared an invaluable example of strict and unerring decorum. In love and mutual honour, joined to her royal consort for a long course of years, his joy, his solace, and the faithful guardian of his person; promoting the interests of strict morality and religion, and, in the true spirit of a christian, possessed of an active though secret principle of benevolence, that always led her to the alleviation of sorrow, denying to misery nothing but her name. It is, however, gratifying for us to consider, and may it engage to his Royal Highness, in a still increased degree, the hearts and affections of all his subjects, that the close of a life so honourably passed, was soothed by his most anxious and unremitting attentions; and this strict observance of filial duty must in another sense, be most satisfactory to the House, as it affords the best pledge, that every measure suitable to the dignity and consequence of the object, but consistent with economy, will be taken for the care and maintenance of the person of his Royal Highness's father [Hear, hear!].

Turning from these distressing events, abundant sources of congratulation may be found, both in our foreign connexions, as lately confirmed abroad, and the internal prosperity of our country. And, first, with regard to the Congress, whose deliberations have led to the evacuation of the French territory. If this distinguished meeting had taken place for the purposes of individual interest or ambition, or for any other end than the promotion of the general peace, I should predict to such a confederacy disunion and discomfiture. But what has been the object of this happy concord of nations, at which his majesty's

ministers bore so distinguished a part, may be seen by the papers ordered to be laid before the House. The most striking result of this august assemblage has been, on serious investigation of the policy of the measure, to take the earliest opportunity of restoring to a great and afflicted people, that weight in the scale of nations, of which they had, for their own and the common safety, been for a while deprived, and which sad necessity no longer existed in consequence of the past unfit dynasty being now so happily replaced by the natural race of her kings. While France, by the most honorable and scrupulous adherence to her engagements, and by the success that has hitherto attended the efforts of his most christian majesty towards the consolidation of his government, has rendered precautionary measures any longer unnecessary on the part of the allied powers, and now rests, once more on her own means for support, to our own shores have been given back our distinguished heroes, equally moderate and dignified in the trying hour of fortune, as irresistible in danger. It is not for me to attempt to enter into the various political arrangements of these conferences; but so strongly do they bear on them all the characteristics of peace, and so fully do they evince the spirit of the allied powers to establish and preserve such relations among themselves as may tend to the harmony of the civilized world, and advance the march of national liberty, that they cannot but justify his Royal Highness's persuasions, that the result of his measures in this quarter of the globe, will meet with the peculiar satisfaction of his Commons.

I shall now take the liberty of calling your attention to the result of his Royal Highness's arms in India; and to all who weigh the wealth and importance of our undisturbed possessions in the East, to all who consider the intricacy and comprehensive nature of its affairs, it must be a source of peculiar congratulation, to be assured, that our operations in that country have been as decisive as they were well matured, and quickly executed. The total suppression of the attacks of the Pindaries, and of the restless intrigues of their perfidious supporters, the Mahratta powers, is the happy result of one short campaign; and to its vast advantages, such as we always may anticipate, with justice warring on our side, to the character of the British employed, and to the politic conduct and administration of the most noble the governor, the most unequivocal testimony has been borne at the close, and on the arena of the campaign and its results. And, however, at the date of the document to which I allude, there might have existed some features of protracted contest, subsequent intelligence announces the total cessation of those hostilities that had been forced on us by constant predatory attacks on our adjacent dominions; and under this auspicious administration of affairs, Bajah Row, a restless intriguing spirit, disturbing the general tranquillity, has paid the penalty of his unprovoked attacks, and is the prisoner of war of his Royal Highness's governor in India.

From east to west, a kind Providence seems to favour the efforts of his majesty's ministers, for the good and prosperity of these realms, and the result of his Royal Highness's negotiations in the United States, is equally favourable with the issue of his arms. By previous treaty the commercial convention between this country and the United States, would expire in the course of a few months; but I have considerable pleasure in understanding, that the same arrangements which have already proved so beneficial to the wealth and industry of this country, have been renewed for a term of years—regulations to be viewed with the same satisfaction, and as the more permanent, as we have acted on the liberal policy, that, in contributing to the rising prosperity of America, we but increase good custom for ourselves, and open new resources of wealth to the commercial and manufacturing parts of the kingdom.

But, Sir, I need not have wandered thus far and long from home, in search of the flattering picture of prosperity; for I believe every man who now honours me with his attention, will allow, that never was the measure of joy more full, or peace absolute, as that which now reigns through every part of the united kingdom. There never was a period at which all branches of the different manufacturers of the country were more universally employed, or received a fuller or more comfortable remuneration for their labour. A revived and enterprising spirit exists in all our sea-port towns, and national credit never stood higher than under the care of those to whom the present charge is entrusted. I am far from pressing the dangerous principle, that a country's resources must

increase indefinitely, in proportion to the demands made on its exertions, for the greatest affluence may be drained, and the firmest patience exhausted; but it is surely the purest source of congratulation, that after an unexampled contest of twenty-three years duration, and the more trying crisis of a state of peace in which the greater part of the people were forced to seek for new employment, the most gratifying and unanswerable proof of the elasticity and resources of the country should be given in the increase of the revenue in all its most important branches. This individual and general financial prosperity was however naturally to be anticipated, as the consequence of that system of economy and retrenchment so quickly established and steadily pursued, after our expensive career of glory, in the reduction of the army and navy, and the other war establishments of the country, in every respect as extensive as is consistent with domestic security, or the military occupation of our colonies.

I have now attempted to give an outline of the political bearings and state of the country. Abroad, we have an unexampled concord of nations bound together by the most holy ties of alliance, by their duties towards God, and the people whom they govern; at home, peace, affluence, and prosperity, and above all other blessings, minds and dispositions calculated to enjoy them. Such is the happy country which, by the elective trust lately restored to the nation and exercised on us, comes under our charge. May we jealously watch over the laws of the land; may we honestly and impartially support every part of the constitution; and apply ourselves in harmony and union to amplify and perpetuate the blessings we enjoy! Having now trespassed a long time on your patience, I proceed humbly to offer for the consideration and judgment of the House, the Address of Thanks I shall have the honour to move to his royal highness the Prince Regent, which, pledging to no future line of conduct, but merely repeating those sentiments from the speech from the throne, to which every British heart must echo, will, I trust, meet with the unanimous concurrence of the House. He concluded with moving,

"That an humble Address be presented to his Royal Highness the Prince Regent, to thank his Royal Highness for the most gracious Speech delivered by his command to both Houses of Parliament:

"To assure his Royal Highness that we fully participate in the deep regret expressed by his Royal Highness at the continuance of his majesty's lamented indisposition:

"To offer to his Royal Highness our sincere condolence on the severe calamity with which it has pleased Divine Providence to visit his Royal Highness, the royal family, and the nation, by the death of her majesty the Queen, a princess whose exalted virtues and exemplary conduct in all the various relations of public and private life will cause her memory to be held in long and grateful reverence by a loyal and affectionate people:

"To assure his Royal Highness that we shall not fail to direct our early attention to the consideration of such measures as this melancholy event has rendered necessary and expedient, with respect to the care of his majesty's sacred person:

"To return our humble thanks to his Royal Highness for the information that the negotiations which have taken place at Aix-la-Chapelle have led to the evacuation of the French territory by the allied armies; and for the orders given by his Royal Highness that the convention concluded for this purpose, together with the documents connected with this arrangement, shall be laid before parliament; and to offer to his Royal Highness the expression of our peculiar satisfaction at his Royal Highness's assurance of the intimate union which so happily subsists amongst the powers who were parties to those transactions, and of the unvaried disposition which has been manifested in all their proceedings for the preservation of the peace and tranquillity of Europe:

"To convey to his Royal Highness our further acknowledgments for his communication of the conclusion of a treaty with the government of the United States of America, which has for its object the renewal of the commercial convention now subsisting between the two nations, and the amicable adjustment of several points of material importance to the interests of both countries; and for his Royal Highness's gracious intention of laying a copy of this treaty before parliament, as soon as the ratifications shall have been exchanged:

"To return our humble thanks to his Royal Highness for having directed the estimates for the current year to be laid before us:

"That we learn with the greatest satis-

faction, that the present situation of Europe, and the circumstances of the British Empire, have enabled his Royal Highness to make a considerable reduction in the Naval and Military establishments of the country:

"That it is also gratifying to us to be informed, that a considerable and progressive improvement of the revenue has taken place in its most important branches; and also, that the trade, commerce, and manufactures of the country are in a flourishing condition:

"To return our thanks to his Royal Highness, for directing such papers as are necessary to show the origin and result of the war in the East Indies, to be laid before Parliament:

"To assure his Royal Highness, that we learn with much satisfaction, that the war on the part of the British Government in India originated in the strictest principles of self-defence; and that, under the prudent and skilful superintendence of the marquis of Hastings, the campaign has been marked in every part by brilliant achievements and successes; and that his majesty's forces, and those of the East India Company (native as well as European), rivalled each other in sustaining the reputation of the British arms:

"That we rejoice at the favourable change to which his Royal Highness refers, as having so rapidly taken place in the internal circumstances of the United Kingdom, and as affording the strongest proof of the solidity of its resources; and to assure his Royal Highness that it will be our earnest desire to direct our deliberations to the cultivation and improvement of our present situation, relying with confidence on his Royal Highness's concurrence and co-operation in whatever may be best calculated to secure to his majesty's subjects the full benefits of that state of peace which, by the blessing of Providence, has been so happily re-established throughout Europe."

Mr. *William Peel* rose and said:—In seconding, Sir, the Address, which has been proposed with so much ability by the honourable member who has just sat down, I cannot but feel how absolutely necessary it is for me to put in my claim to the indulgence of the House, and express a hope that its liberality will be extended to one who stands so much in need of it. Many of the observations it was my intention to make, having very naturally been anticipated by the hon. mover of the address, I fear I run an additional risk of wearying the patience of the House, by descanting on subjects which have already been noticed so much at large. I am, however, somewhat sustained by a belief that the address I propose to second, is not of a nature calculated to call forth opposition or objection, but that it will experience the cordial support and sincere approbation of every member in the House; for, as there can exist but one opinion as to the propriety of offering our condolence to the Prince Regent on those lamentable circumstances noticed in the speech from the throne, so there can exist but one wish as to the unanimity with which that offering should be conveyed to his Royal Highness. The afflicted state of his majesty becomes every successive year a subject of additional and still deeper regret; as the continuance of that affliction must have diminished in the minds of the most sanguine the hopes they had entertained as to the probability of his majesty's recovery. Another cause of the deepest national grief, presents itself in the lamented death of the Queen; and witnessing, as we do, a disposition on the part of every class of society to sympathise with the Prince Regent on the misfortune which he and the country have sustained in the loss of that royal personage, whose life was exercised in the discharge of every public and every private duty, the representatives of the people will, of course, be anxious to seize the very first opportunity of expressing their sense of the general misfortune, and their desire to participate in the general sorrow. It would be idle and presumptuous in me to dwell upon the many excellencies which adorned the character of her late majesty—inasmuch as these excellencies are so universally acknowledged; and I am perfectly sensible of my own incompetency to do them justice, were I to make the attempt. It having become necessary that some new arrangements should be speedily adopted, with respect to the custody of his majesty's sacred person, such arrangements have been recommended to our consideration in the Speech from the throne. Future opportunities will be afforded for a discussion of them. We are now merely asked to pledge ourselves to the consideration of the subject. It is a pleasing reflection, that the many topics would afford us occasion to mingle our congratulations with our expressions of condolence. Whatever

difference of opinion may have existed, as to the means by which events have been accompanied, or as to the events which have lately occurred to affect the circumstances of other countries, yet all must in candour admit, that the prosperous state and future prospects of the country, form the most ample grounds for exultation; for whether we compare ourselves to other states, or, according to the fairer criterion, compare our situation at the present day with the situation of the country at other periods of our history, the result of that comparison must be in every respect highly satisfactory.

If we look, for instance, to the commencement of the last parliament, the country had to contend with the greatest difficulties. We saw ourselves engaged in an arduous and eventful struggle, waiting with unspeakable anxiety every arrival from the theatre of war; and though every arrival brought with it the tidings of success, yet were those tidings accompanied by others which could not fail to produce much private misery throughout the nation, and much anxiety as to the future contingencies of war. During the course of that parliament, this country had to undergo severe privations, resulting from the inclemencies of the season. At a very late period of that parliament, a spirit of outrage and disaffection manifested itself in the country, which I am willing to attribute rather to the pressure of the times, than to any general disposition on the part of the people to undervalue the blessings of the constitution under which they live. We have now to boast of peace abroad and tranquillity at home. We see our revenue increasing, and those branches of commerce which had suffered during the war, reviving and flourishing, under the free intercourse which peace affords. How gratifying to reflect, that after passing the severe contest, through which we have so triumphantly passed, nothing has occurred to tarnish a single laurel we have gained, or to bring discredit on our fair character.

Let us here not refuse to do justice to that illustrious individual, to whom this country still owes so great a debt of gratitude; to him who, for all his achievements, may put forth his claim to future fame, not more on the grounds of his great military character as a conqueror, than on his moderation in the day of conquest. How splendid a compliment was paid to his country—how splendid a compliment was paid to our great commander, on his being selected to the command of the combined armies on the continent; to the command of the troops of nations who have brought so much larger forces into the field than ever we could boast; and those troops too commanded by the most skilful and experienced generals; yet all concur in entrusting the chief command, not to that general who had distinguished himself for the magnitude of the armies he led to victory, but for the magnitude of the victories he gained! How fully has he justified the wisdom of that choice by the ability and moderation with which he executed the difficult and delicate task assigned to him! Happily for Europe, the necessity of these precautionary measures no longer exists. What can be a greater field of congratulation than to find the internal state of France such as to enable the combined powers to withdraw their forces from its frontiers? What can be more gratifying than to find that nation; after fulfilling, with the most honourable punctuality, all its engagements, restored to its proper station in the scale of nations, and invited to unite its councils to those of the other European powers assembled together in the confidence of friendship, not regarding each other with the jealousy of rivals, but acting on liberal and enlightened principles, and consulting together for the consolidation of the general peace. In this situation of France, we have particular cause for joy, as experience of the last thirty years has shown us how much this country is interested in every thing which can affect the order and disorder of that neighbouring state. We see with pleasure the affairs of that country, after being disturbed by the troubled waves of so many revolutions, gradually subsiding into a calm; and though some agitation may still exist, let us hope that it arises more from the conflict of honest though varying opinions under a free government than that it is to be considered as any indication of future storms. Let us hope that a country which has so sensibly felt the evils of so many revolutions, will become sensibly alive to the advantages to be derived from a limitted and constitutional monarchy. And seeing a disposition arising on the part of other nations to assimilate their forms of government to that of ours, to fashion themselves on our model, and willing to take the benefits of that constitution, the peculiar advantages of

which have been so fully demonstrated, the more unwilling should we be to hazard the loss of the solid and substantial blessings we enjoy, by listening for a moment to the absurd and impracticable schemes of wild speculation and fancied improvement; for dearly as we have paid for the proof, yet the most satisfactory proof has been afforded, that there are no difficulties too great to be overcome by the resources of this country. For not in Europe only have formidable difficulties yielded to the superiority of British skill and valour: in India the same system has been maintained; the same justice is done to our national character, and the same credit due to our moderation in the exercise of the rights of conquest. There we have seen a war undertaken, not for the gratification of ambition, not for the expansion of territory and possessions, but for the punishment of aggression, and to afford protection to the peaceable from future outrage and oppression. The consequences of that war have been, that security and comfort have been established where terror and misery before existed. In looking to our present relations with America, let us hope that the commercial arrangements with that country are such as will prove highly satisfactory to both countries, from being established on the soundest basis—that of reciprocal advantage.

And now, having taken a review of the prosperous state of our affairs, and seeing the numerous blessings we enjoy, it will be our duty to endeavour to give a permanency to those various blessings; and as in times of peace parliament has an opportunity of affording a more undivided attention to domestic circumstances, let it be our concern to improve those circumstances, by promoting the industry and increasing the comforts of the people, and as they have heavily experienced the consequences of war, so may they now sensibly feel the advantages of peace. But, Sir, I fear that I have very indiscreetly abused the liberality which has been granted to me. I shall therefore conclude with seconding the Address; in which it appears to me that every hon. member in the House may acquiesce, whatever be his political views, without any impeachment of his character for consistency, or without pledging himself at all as to the support of future measures.

Mr. *Macdonald* said, he could by no means concur in the opinion of the hon. mover of the Address, that courtesy required it should pass altogether unopposed or unremarked upon, since that would not prejudice any future discussion of the subjects which it comprehended. And he was the rather induced to make this declaration by the especial reason advanced by the hon. mover in support of his proposition, namely, that there was one prominent feature in the Royal Speech that of condolence with his Royal Highness on his late melancholy loss, on which there could be but one sentiment in the House. This was an additional motive for making some observations, not on that particular topic, but on the general view which the Speech took of public affairs. And here he was compelled to say, that the extravagant and extraordinary representations of the state of the country, which the speech contained, would justify many more observations than those with which it was his intention to trouble the House. Certainly he was most happy to concur in one portion of the bold and universal satisfaction at that state which pervaded the Speech from the throne, and still more the speeches of the hon. mover and seconder of the Address. He rejoiced to find that considerable reductions had taken place in our military establishment—reductions, which when talked of in the last parliament by those who thought with him on the subject, were held by his majesty's government to be vain and groundless anticipations. It now appeared that the amount of the force withdrawn from the French territory was in a course of reduction. Ministers who would have ventured in time of peace, to maintain such a force, in addition to the large military establishment already existing, would have deserved impeachment. Nevertheless, he had no objection to concede to government as much merit on this subject as they might be considered entitled to. But with respect to civil retrenchment and regulation, it would, in his opinion, have been much more satisfactory if the Speech from the throne, instead of a vague promise of concurrence and co-operation in any parliamentary measures, to secure to his majesty's subjects the full enjoyment of the benefits of peace, had pointed out any such measures, which had either been carried into effect or were in contemplation. This appeared to him to have been especially necessary with reference to that subject, which called loudly for considera-

tion and amendmet—the collection of the public revenue. That collection cost the public at present no less than four millions: being about half of the entire public income at the accession of his present majesty! He was perfectly aware that the present was not the most convenient period for entering into any details on this subject, but he would just ask a question or two with reference to the Stamp Duties —that tremendous infliction on the commerce of the country: duties which, it might be supposed, would almost collect themselves. Was not the nature of the situation and emoluments of the distributors of stamps perfectly known to the country? Was not the nature of the situation and emoluments of the receivers of the land-tax perfectly known to the country? Was it not notorious, that these offices were frequently bestowed on individuals who were utter strangers to the counties in which they were appointed, and who farmed them out to other persons? Was it not notorious that by the suppression of some of those superior offices, not only a great saving would be effected in the expense of collection, but a better collection would be made? Reformation of this nature however could scarcely be expected to flow spontaneously from such ministers as the present as they would touch the operations by which notwithstanding their unpopularity they maintained their situations. They were points which would have long since been adverted to by a government in earnest in the cause of public economy.

Then came the congratulatory passage in the Speech, on the increase of the revenue. Very good tidings certainly! It was well to hear that the people had been enabled to pay nearly four millions more than they had done last year; but it would be much better to be told that in future they would have to pay less. The omission in the Speech of all allusion to a reduction of our taxation was highly inauspicious. It was evident that the administration had done nothing towards the fulfilment of the national desire on the subject, until this alternative was proposed to them—"do it or go"—an alternative by the way, which they never hesitated to comply with, to the preservation of their places. If, however, they were still reluctant—if they stopped short of that which ought fairly to be expected—that House must, and he was persuaded would, do its duty. There were some of the gentlemen opposite who were not quite satisfied with the temper of the last parliament; let them try what they could take on themselves to do with the present. With unmingled satisfaction would the people hail any improvement of the public revenue, if the past afforded them any assurance that that improvement would be the means of diminishing the evils under which they laboured. But, burdened as the country was—paying more than twofold that which it had paid even in any former period of war—what prospect could the right hon. the Chancellor of the Exchequer hold out, of a removal or even of any considerable diminution of that galling taxation which it suffered? He had as firm a reliance on our general resources as any man ought to have, but he could not forget the precariousness of trade. Of the evils attendant on a revulsion of commerce all had been witnesses. It was true that the revenue was this year three or four millions better than it was last year; but it still fell between two and three millions short of what it was in 1803. It was true that there were a few hundred thousand pounds surplus of the consolidated fund. But great and gratifying as this recovery of the revenue was from the state into which it had sunk, it was, as the hon. mover of the Address had said, not unexpected. But if the right hon. the chancellor of the exchequer took this as the ratio of our future progress, its inefficiency to remedy the ills which the country endured was evident. The fact was, that a realization of the hopes which had been held out on that subject could be effected only by such a demand for our productions as would absorb a very large additional portion of our population in manufactures—an evil of the most serious kind, morally and politically. And here he must observe, that he probably looked with different eyes from the honourable gentlemen on the great and afflicting increase of crime in the country; on the sad overflow of our prisons; on the continued legitimization of pauperism.

When he contemplated the dreadful mass of human misery which these circumstances occasioned, he could not help being surprised at those mutual felicitations on the state of the country, which a little sober reflection would have checked. If in a time of peace we were unable to diminish the public expenditure, either by a material reduction of the public

debt, or otherwise (and of that reduction the financial transactions of the last year afforded little hope, since, although the Sinking Fund was nominally fifteen millions, it in fact amounted to only three), how should we be prepared for a time of war? It might happen that we should be engaged in a war for the defence of every thing that was valuable to us. It might happen that we should be assailed by the vengeance of those whom we had conquered, by the ingratitude of those whom we had assisted, by the just indignation of those whom we had conspired to oppress. Were the House to listen to the tone of the royal Speech, and of the speeches of the honourable gentlemen, it seemed they might be spared the trouble of contemplating any such possibility. They were told they might safely rely on the inviolability of treaties—on our "intimate union" with foreign powers—words, in his opinion, too amatory to meet just ideas of British policy. As to any substantial security for the continuance of peace, those treaties did not appear to him to be worth a single pinch of snuff from the diamond boxes presented to the distinguished individuals who assisted in their completion. The one substantial security for permanent peace was, a wise and economical and conciliatory administration of public affairs—an undeviating system of justice and liberality to the people of other countries whether powerful or weak. As to any other objects of the alliances in question, the British public regarded them with the utmost indifference. They never troubled themselves to inquire when the noble lord (whom he regretted not to see in his place) went to the scene of their formation, or when he returned—what he did do, or what he did not do. As to the principal result of the congress, it was well known that the withdrawing of foreign troops from France had long before been decided—not by us, but for us. It appeared indeed, that in order to avoid any awkward reclamation of promises made by sovereigns in the hour of need, and forgotten by them in the hour of success,—to enable the parties to steer clear of the chaos which threatened to overwhelm them if they entered on the consideration of various subjects dear to the interests of mankind—no course could be resorted to, but that of deprecating every species of discussion. There was one subject to which the people of this country had looked with anxious expectation. They anxiously expected that at length the detestable traffic in human creatures would be denounced and finally extinguished, by the high and assembled professors of peace and of Christianity. Although the speech from the throne had not condescended to notice the subject (which under all the circumstances of the case it would have been most fitting to do), and although he did not know whether or not any reference to it was made in the treaties which that speech promised should be laid before the House, yet it was well known that the power which had opposed so desirable a consummation was France. France! a member of the holy alliance! France! under the restored rule of his most christian majesty! Thus it appeared, that all the sacrifices which this country had made in favour of the Bourbon dynasty, had been insufficient to obtain from the court of Louis Dixhuit a measure which was little more than one of decency—a measure which Spain herself, under Ferdinand himself, had been—he was going to say *brought*—but had been *bought* to consent to. There was a power in Europe which, by its wisdom and its moderation, had succeeded to that ascendancy and influence which once were England's. Had the Russian government undertaken the task of putting an end to the slave trade, who could doubt that on that, as well as on every other public consideration in which it had interfered, it would have prevailed! Were the noble lord by whom the negotiations at Aix-la-Chapelle were conducted in his place, he should be inclined to say something of the conduct of the British negotiator on this most interesting subject—conduct which, in his opinion, rendered it very doubtful, whether the zeal professed by this last lingering advocate in this country of the Black Slave Trade, did not arise, not so much from his love of humanity, as from his disposition to obtain in that House the support of men whose names would be ever honoured for their efforts in the destruction of the barbarous trade in question. On no other ground could he conceive that the right of France to negotiate on the question of reciprocal search would have been admitted. It was impossible that France could seriously believe her acquiescence in that reciprocal understanding, which had been recognised by the greatest and the smallest powers in Europe, ought to be made matter of ne-

gotiation. It was evident, that so long as France opposed herself to its entire abolition, by opposing the regulations which tended to prevent the admitted law on the subject from being evaded, that infernal trade (for so he must call it) would thrive, and thrive it did: and in his opinion it would be most fit to advert to this subject in the address to the throne.

On every topic connected with the redress of the acknowledged grievances in the internal condition and regulations of the country, the Speech from the throne was wholly silent. It had not been thought fit to insert in it any notification that the act of the last Parliament had been put in force, which directed the appointment of commissioners to inquire into the abuses of public charities. He ought not to call them commissioners for inquiring into "the abuses" of public charities. They were any thing but that; and he knew that in speaking of any correction of any abuses, he spoke of that which the nation desired, but which the ministers would, it seemed, not permit. Of the particular act to which he had alluded, he would then say nothing. His hon. and learned friend below him (Mr. Brougham) would, in the course of the session, furnish the House with abundant matter for discussion with respect to it. But he could not refrain from observing, that it would have been much better, with reference to the attainment of the object in view, if ministers had succeeded in a direct attempt to put down all inquiry, rather than in appointing the lame and impotent commission which had been constituted. But even had the powers of the commission been as ample as they were contracted—had the objects to which they were to direct their attention been as extensive as they were limited, they would have wanted one great recommendation to public confidence. It would have been recollected, that the members of the commission were nominated, not by the House of Commons, but by the Secretary of State. It was true there were in the Commission the names of two individuals who would do credit to any body with which they were associated, and who from their zeal, integrity, and ability, were every way calculated to fulfil the important trust reposed in them; but whatever personal sacrifices those individuals might be disposed to make, it would be idle and absurd to expect that any fundamental or continuous reform could be effected by their unaided efforts. With respect to the general selection of the members of the commission, all that it was necessary to say was, that it did so happen, as it had happened in many other instances of a similar nature—that the principles and opinions of those members were directly hostile to the spirit of the inquiry which they were appointed to institute. It did so happen, that in their number the name of the original mover of the proceeding did not appear. Surely this was as foolish as it was indecent. For if his hon. and learned friend were as over-zealous and as enthusiastic as he was represented to be by the gentlemen opposite, there would undoubtedly have been sufficient coldness in some of the other members of the commission, to correct the effects of his ardour; while, by the omission of his name, ministers left it to be said—and it was said—that they feared a man who had talents, and who was in earnest.

It seemed to be thought by the honourable gentlemen who had moved and seconded the Address, that there was nothing so simple and natural as to admire every thing that was done by "the powers that be;" and that no fault ought to be found with any of their proceedings. For himself, it gave him little satisfaction to find general discontent in the country; and more especially when that discontent occasionally exhibited itself in an intemperate and malignant character. But it was impossible not to reflect, that all this could not exist without adequate cause. If the good order, and tranquillity, and happiness of a community, were justly deemed the fair criterion of a sound administration of public affairs, the insubordination, the disturbance, and the dissatisfaction of a community, ought to be justly deemed the fair criterion of an unsound administration of public affairs. —Whence came the extreme irritation among the people, the existing tendency to tumult and violence? He should be glad to know how the hon. gentlemen opposite, if their description of the flourishing state of the country was correct, could account for some very extraordinary appearances at the late general election. How came it, that towards an administration under which, notwithstanding their egregious blunders, the military glory of this country had been carried to the highest point (for it would be a most paltry spirit of party that would under-

rate that glory), how came it, that towards an administration so circumstanced, so much apathy had been shown by most classes of society, and so much decided disinclination by the remainder? Why was this? Because the people found them deficient in those qualities, without the possession of which no administration could ever enjoy public confidence, decision, and union. All measures of domestic policy were by them either compromised or abandoned. From them the most important propositions experienced neither friendly support, nor manly resistance. When the opinion of Government was called for on questions of the greatest general interest, it was discovered that they had no opinion. Let the House try back, and they would find numerous proofs of the truth of this assertion. For instance, the question of Bank paper, on which subject, as on all subjects of political economy, his hon. friend near him (Mr. Grenfell), had thrown so much light, and by his remarks on which he had done himself so much credit. Was it to be perpetual or was it to cease was a question in the solution of which every man in the country had a deep interest. What thought government? Their financial oracles were so diametrically opposed to each other, both in their premises and in their conclusions, that it was impossible to guess. They exhibited the utmost fluctuation, the utmost equivocation, the most eager desire to catch at any pretence, however feeble, which might arrest the necessity of coming to any positive determination. Again, on the subject of the poor laws. Every one was sensible of the evils of the present wretched system—a system that tended to the destruction of all that remained of a sound and independent spirit among the inferior classes of the community. The public had long waited for the plans of government for its amelioration. They might wait till doom's-day. Government would propose no plan—government would concur in no plan—they could not afford the risk of so much decision. Then there was the criminal code. All agreed that something must be done in the way of its revision. But need he remind the House, that when that great and good man, whose loss had occasioned so deep a feeling of sorrow throughout the country, whose life had been spent in the active, perhaps too active, pursuits of philanthropy—when sir Samuel Romilly—a name never to be utterred without reverence in any corner of the civilized globe—when he brought forward his limited measures for the amendment of that code, he experienced the most persevering and thwarting opposition. Most of the members of his majesty's government absented themselves on the discussion of his lamented friend's propositions. A few gave them a lukewarm support, to be counteracted the next day by another detachment with adverse sentiments. Another instance of the indecisive conduct of ministers was to be found in the Catholic question. A large body of the nation entertained a confident hope that in the nineteenth century, that intolerant spirit by which those who professed a religion different from that of the established Church were excluded from an equal participation of civil rights might safely and finally be extinguished. There were others, on the contrary, who conscientiously, no doubt, still cherished alarm at such a proposition. All, however, conceived it to be a subject of such primary importance, as to demand the most serious attention. What did government do? They pledged themselves to be neutral; which, being interpreted, meant, they pledged themselves neither to discuss the Catholic claims in council among themselves, nor to give the Prince Regent, their master, any advice with respect to them, nor to assist parliament in its deliberations on the subject. What could be expected under such an administration, but mischief? When had they ever, by their measures, presented the Prince Regent to the people in a popular light? Was it in the unaccountable replies which had recently been made to certain petitions, in which replies it was most strangely intimated, that it was useless and nugatory to petition his Royal Highness on such objects, as his Royal Highness had delegated to one of his servants the discretion of exercising, according to his own opinion and feelings, the best prerogative the king possessed—that of mercy? The right hon. the Chancellor of the Exchequer shook his head, but he challenged him to disprove the fact. When had the present ministers upheld the true dignity of the crown? Not surely when they endeavoured to obtain from parliament, for branches of the royal family, grants which parliament indignantly threw back in their teeth, after a discussion calculated to lower those branches of the royal family in the public

esteem. Such ministers could not refrain, on the appearance of a partial disorder in the country, arising (as was admitted by the honourable mover of the Address) from temporary causes, to rush to the last and most dangerous expedients, complaining that the existing laws under our free constitution, were inadequate to the repression of disturbances which eventually, however, they proved sufficient, both to repress and to punish. It was well known that the power and authority of the laws partly consisted in the respect felt for those by whom they were administered. How could any respect attend those who, on all occasions, shewed that they had no respect for one another?—They might continue to cry "wolf;" they might resort to violence and rigour; they might suspend the constitutional rights of the subject; they might themselves violate the law by turning libellers; they might introduce a foreign police into the country; but they could not blind the public eye, or stifle the public voice, and the end of all would be, that they would recruit the ranks of their enemies, and insure their own destruction, after they had by their measures thrown odium on the Prince they served, and left the Crown almost without support. The honourable mover of the Address, therefore, must not be astonished if he found that a considerable portion of the House could not see in his recipe of union and harmony any thing but a general prostration at the shrine of ministers. God knew the course which the present parliament would pursue in their deliberations and decisions! That which was clearly marked out for them was, neither to truckle to power on the one hand, nor to yield to clamour on the other, but steadily to follow that path which in their conscience they believed to be prescribed by their public duty. He would not trouble the House with any amendment, and must apologise for having so long detained them. [Hear, hear!]

Mr. *Sinclair* said:—The subjects recommended to our attention from the throne, have already been discussed by the hon. gentlemen who opened the debate, so amply, as to require, and so ably, as to admit of, no additional comment or illustration; I shall, therefore, content myself with briefly stating to the House my reasons for supporting the Address; in which I should have silently concurred, if my honourable relation had not clogged his assent, with so profuse a variety of extraneous animadversions. I entirely approve of the Address, because I think it highly creditable to the candour and moderation of his majesty's ministers. It does not call upon us to pledge ourselves to the unlimited support, or unconditional approbation of any system, and it leaves the great questions, connected with our foreign and domestic policy, still open for future deliberation. If we consider its general scope and tenour, we shall find that it contains such sentiments, and is couched in such language, as no friend to his country can reasonably object to. We shall perceive that every topic has been studiously avoided, which could elicit any material difference of opinion, or excite any angry discussion. It has evidently been the wish, and the object, of those who framed it, to enable all parties, on the first day of our first session, to approach the throne, with an unanimous assurance of loyal and affectionate attachment. My honourable relation, however, has not thought proper to follow this laudable example of forbearance. There is scarcely a single measure, either in retrospect or in contemplation, upon which he has not attacked with severity the past conduct, or the presumed intentions, of his majesty's advisers. I am only surprised, that he has not embodied his sentiments into the form of an amendment; more especially if we call to mind the triumphant anticipations of a powerful accession to the numerical strength of his friends, which, ever since the results of the late elections were known, or even long before they began, have been loudly re-echoed in every part of the country. I expected that the honourable gentlemen opposite would have brought on, without a moment's delay, a trial of strength between the two great parties, which may be supposed to preponderate in the House, and would feel anxious, in some degree to ascertain, as soon as possible, the relative proportion of their respective adherents. They have, however, postponed, until some future day, the intended grand display of their forces. In the mean time, my honourable relation has descanted upon a multiplicity of topics, so important in their nature, and, at the same time, so unconnected with each other, that to attempt a circumstantial reply to his speech, would involve the House in a labyrinth of questions, which severally deserve and require a solemn and separate investigation. Far be it,

however, from me to expose my own presumption, by entering the lists of debate with one whom I so much respect. I am deeply conscious of my own deficiencies, and pay a willing homage to the advantages which my honourable relation possesses, from the splendour of his talents, the variety of his knowledge, and the extent of his political experience. I am also far from being decidedly hostile to all the opinions which he has enforced with so much eloquence; I am as little tied down to oppose, as to support them; and should think very meanly of my own fairness and judgment, if I did not always listen to his arguments with deference, as well as with attention. I am well aware that no individual is more obnoxious to both parties, than one who will not absolutely bind himself to either; and though a promise of unbiassed impartiality is often given and required at elections, it is seldom steadily adhered to—but I trust that there are some, of whom I do not hesitate to profess myself one, who think that they neither forfeit their independence, nor lessen their respectability, nor deviate from the path of constitutional consistency, by keeping aloof from a complete subjugation to party influence, and by presuming to judge for themselves. Deputed as each of us has been, to discharge the most important duties which can devolve upon a British subject, we must remember, that the eyes of all our constituents are rivetted with scrutinizing anxiety upon the proceedings of their new representatives. On this point all must agree; but if we proceed to define the wishes, which the people are supposed to entertain, our statements will be different indeed! Whilst, on the one hand, we shall be told, that the nation at large expects us to rally round the ministers, and whilst on the other we have been assured by my honourable relation, that the popular voice demands loudly their removal, there are others who will think that they are sent, neither to withhold entirely their confidence from government, nor implicitly to sanction their proceedings; sometimes to oppose their measures, but never to impeach their motives —to combine political candour with constitutional vigilance—rather predisposed to approve than predetermined to condemn: resolved to favour, but not to flatter; to controul, but not to embarrass. And here I cannot but advert, with feelings of deep regret, not unmingled perhaps with indignation, to the tone which has lately been assumed, with respect to our future conduct, by the writers whose political sentiments are generally in unison with those of the hon. gentlemen opposite. By them it is expressly and indefatigably asserted, not only that to expel the present cabinet from office must be the sole and constant object of all who wish well to their country, but that every proposition which emanates from them, whether good or bad in itself, must be pertinaciously found fault with, and indiscriminately opposed. No terms are deemed strong enough to characterise the ignorance and imbecility of the existing administration; their supporters are accused of being swayed by every motive that is despicable or corrupt; and the well meaning, but not very clear-sighted politicians (as they are called), who occasionally presume, in the exercise of their own free judgments, to vote with the ministers of the crown, are represented as either useless, or dangerous, or insincere; their alleged vacillation, is assailed with keen reproof, or their weakness becomes the theme of contemptuous commiseration. Independent members of the new parliament are strenuously exhorted, and even confidently expected, to bury in oblivion every difference of opinion, and unanimously to inlist under the standard of inveterate and unqualified opposition. Now, Sir, in what light can such language be considered, than as calling upon a British House of Commons to exhaust all their ingenuity, and exercise all their perseverance, in harassing most wantonly the advisers of their sovereign? Does it not invite us to make no allowance for any difficulties of their situation, and, instead of judging their very errors with candour and liberality, to overlook their past services, to disparage their best measures, and even perhaps to witness their successes with regret? Does it not enjoin us to adopt as a corollary to the sound constitutional maxim, that the king can do no wrong, the, I trust, far more questionable proposition, that his ministers can do nothing right? Does it not tend to cherish among the lower orders, the most malignant feelings of aversion and contempt towards those in authority over them?—feelings, which, in some quarters, are almost as predominant as they are mischievous; and which have chiefly been excited and nurtured by the coarse and scurrilous libels with which the press

is unremittingly disgraced; and especially on that day which the laws both of God and man have peculiarly set apart for religious meditation, and in some degree, for curbing those very evil passions which such writers are labouring to inflame? Such are, in my opinion, the dangerous consequences which these pernicious publications are intended and calculated to produce. With respect to the unpopularity of ministers, which my honourable relation represents to be so general, and undoubtedly states so with justice, in as far as regards many quarters, is it not chiefly to be ascribed to the clamour which has been raised against the suspension of the Habeas Corpus?—a measure which, though sanctioned by so many of their own friends, was made use of, during most of the late contests, by the hon. gentlemen opposite, as an engine for exciting, against their ministerial competitors, all the fury of popular resentment. I am unwilling at present to trespass upon the time of the House, and shall conclude by repeating, that, though desirous to support ministers as far as I conscientiously can, I shall oppose any measure which seems to militate against the spirit of the constitution, or to be at variance with the interests of the country.

Mr. *Clive* said, that the hon. gentleman opposite (Mr. Macdonald) had alluded to a variety of topics, on which he meant not now to dilate, as they would probably, in the course of the session, be regularly brought under the consideration of parliament. But one observation had fallen from him, which, holding the situation he did, he could not suffer to pass unnoticed. The hon. gentleman had asserted, that one of his majesty's ministers had stated, that the Prince Regent had delegated to him a discretionary power, as to the extending or withholding the prerogative of mercy. The fact was merely this:—A certain petition was sent, through the noble Secretary of State for the Home Department, to the Prince Regent, at Brighton; and the answer sent back, in this particular case, was, "he might act in the matter in the mode most consonant to his feelings and judgment." It was only in that particular case, which had been before well considered by the cabinet ministers then in town—which had been investigated in the privy council, before the Prince Regent—and on which advice had been given to his royal highness, which advice he had been pleased to adopt.

Mr. *Macdonald* explained. He said, that having seen the answer to the petition to which he had alluded, he had thought it his indispensable duty, as a member of parliament, addressing the House on the first day of the session, not to let such an infringement of the first and most essential right of the subject to pass by without animadversion. The hon. gentleman, the under secretary of state, had asserted, that the petition in question was sent to Brighton, and an answer obtained. When the hon. gentleman heard the official answer which had been made on the subject, he would allow that he had been mistaken. The petition was signed by nine very respectable inhabitants of Liverpool, in behalf of a man under sentence of death for uttering forged notes. It was transmitted to the right hon. George Canning, the member for Liverpool, by whom it was sent to the Secretary of State for the Home Department. With the permission of the House he would read the answer which was made by the noble viscount—[Mr. Macdonald here read the letter of lord Sidmouth to Mr. Canning, of which an authentic copy will be found subjoined *]. That was

* (Copy.) *Richmond Park, 14th Dec. 1818, eight o'clock.*

Sir;—I have this moment received, by a special messenger, your letter of this afternoon, containing the petition of nine bankers of the town of Liverpool to his royal highness the Prince Regent, praying for a respite of the three unfortunate men who are condemned to be executed to-morrow morning at the Old Bailey, for the crime of uttering forged Bank-notes.

A similar petition from another quarter has been transmitted to his Royal Highness by me since his Royal Highness has been at Brighton: and I have been honoured by his Royal Highness's authority to act in this matter in the mode most consonant to my own feelings and judgment. It would therefore be unnecessary (even if time permitted) to dispatch the present petition to Brighton; and I am sorry to inform you that I cannot perceive any grounds upon which I can, consistently with my sense of public duty, recommend the present convicts as fit objects of the royal mercy.

I have the honour to be, Sir, &c.

(Signed) SIDMOUTH.

Right Hon. Geo. Canning, &c. &c.

(Copy) *London, Dec. 31, 1818.*

Sir;—I lost not a moment in transmitting to the secretary of state for the home department the memorial of the bankers of Liverpool, in behalf of the unfortunate men upon whom the sentence of the law was to be exe-

the charge he had made, namely, that the secretary of state had declared to the petitioners that it was unnecessary to forward their petition for mercy to the Prince Regent, because he had been directed by his royal highness to act according to his own feelings and judgment.

Mr. *Canning*, as his name was implicated in this transaction, wished to be indulged with a few words upon it, trusting that if the debate on the main question should proceed, he would not be precluded from subsequently addressing the House. He thought the hon. gentleman who had just spoken was completely mistaken as to the degree of discretion vested in the noble Secretary of State, although he allowed that the letter which he had just read appeared to be an accurate copy of that which he (Mr. C.) had received, and which he would have brought to the House could he have anticipated the introduction of the subject. The circumstances of the transaction were these:—the case of the unfortunate men had, by the Recorder's report, been brought under the notice of his Royal Highness in full council many days before. Every circumstance, as well as the various petitions and representations respecting it, had been most anxiously considered; and after the fullest deliberation, and on the advice honestly, though with great pain, given by every counsellor present, the sentence of the law was directed to take its course. In the interval between that day and the day of execution, many petitions were presented in behalf of the particular individual in question. Some of them—at least he was sure one had been forwarded to the Prince Regent, as a matter of decorum. The House was surely not to learn that bright as was that jewel in the royal Crown, the power of extending mercy, in cases in which the propriety of extending mercy or not, was to be considered, the Crown acted as in other cases on the advice of its responsible advisers. This case had been so considered; the advice had been given; the decision had been taken and recorded. The discretion given to the secretary of state was not of himself to condemn or pardon the prisoner, but only to determine whether in the interval after his condemnation, any new circumstances transpired which might render a solemn reconsideration of his case necessary. He had then the power, not of pardoning, but only of respiting. The voice of the secretary of state in the original decision on the case was merely the voice of a single counsellor among many: and the crime imputed to his noble friend now was, that on the eve of the execution of the sentence, he had been able to discover nothing to change the character of the case, and had therefore declined granting a respite to excite hopes which he knew must be frustrated, when the subject came to undergo a new inquiry. Now, in the course so pursued by the noble secretary of state, he could not see that he had exercised any power which the constitution did not give him as to appear guilty of any disrespect towards the Crown, or of any hardness of heart, or obduracy of feeling towards the unhappy man who had been executed. To himself, as the member for Liverpool, a petition in favour of the offender had been forwarded from that town. He had been of the council which decided for the execution of the sentence. He had given his voice against the man. It was a most painful task to perform, God knew; but, however painful, a man must discharge his duty according to his conscience. As a member of parliament, he had considered it his duty to transmit the petition, when received from Liverpool, to the noble secretary of state, as if he had been wholly ignorant of the merits of the case. Unfortunately it had happened that that morning, occupied by business (not of his own, but of the public), he had not turned to the letters of the day so soon as he usually did, and in consequence of

---

cuted this morning. Inclosed is a copy of Lord Sidmouth's answer to my letter, I am grieved that the circumstances of the case were such as to preclude compliance with the prayer of your memorial.

I have the honour to be, Sir, &c.

Jon. Moss, esq. GEORGE CANNING.

P. S.—I ought, perhaps, to mention to you, that your packet, by some accident, did not come to my hands till near four o'clock yesterday. The memorial was then dispatched by a special messenger to Richmond; the delay (as lord Sidmouth's letter shows) was of no consequence, though it was very distressing that in this instance it should have occurred. But I earnestly advise you, in any case requiring immediate dispatch, in which you may wish to employ the intervention of my service with any of the departments of state, to address the original memorial to the department itself, apprising me by the same post that you have done so, and furnishing me with a copy of the paper. G. C.

this, he had unknowingly detained the petition some hours. He thought it fair to state this, that it might be known that through him it was for a few hours kept from the noble secretary of state. He was in the habit of requesting his constituents, in cases where their applications must, if at all, be attended to immediately, to send a copy of what they might have to transmit to him, and the original to the department to which they desired to have it forwarded. Unluckily, on this occasion, doubtless from a wish to save delay, no copy was forwarded but that sent to him, and this arriving on a day when letters usually came late, on a Monday—and on a morning when, from circumstances which had been already explained, he had not been induced to turn to the letters of the day with his usual eagerness, had caused altogether a delay of some hours, for which he was anxious that no one should be held responsible but himself. He hoped he might be excused for defending the noble secretary of state from a charge which would go to the heart of any man, and which whatever opinion might be abroad to the contrary, he was sure would most deeply affect the noble lord against whom it had been urged.

Sir *Henry Parnell* wished to know from some one of the ministers of the Crown, why, upon this occasion of calling the attention of parliament by the Speech from the Throne, to all the leading questions of our external and domestic policy, the situation of the Catholics of Ireland had been, as usual, wholly omitted? If ministers would but take half the pains in establishing an intimate union with so many millions of his majesty's subjects, as they did to contract alliances with the crowned heads of Europe, they would do a much greater public good, and obtain much more real strength and security for the safety and tranquillity of the country. It was to no purpose to treat the Catholic question as one of no importance; it had been for the last eighteen years by far the most important one, and it would so continue to be, that had come before parliament. Mr. Pitt, by his negotiations with the Catholics, at the time of the Union, and by his retiring from office immediately after it, had first introduced it before a British House of Commons, and since that time it had led to the breaking up of two administrations and the dissolution of one parliament, and been connected with the arrangement of every successive administration. No one could deny that the Catholics had just cause to complain of the manner in which the engagements which were made to them at the time of the Union had been violated, and also of the various pretexts by which the settlement of their question had been avoided. One excuse giving way, as it was in its turn exposed, to some other, until there now remained no ostensible grounds on which further opposition could be supported. When it was remembered, that no less than seven of the cabinet ministers not only considered the concession of the Catholic claims to be wise and expedient, but went so far as to take every opportunity of informing the country by their speeches in this House, that in their opinion, without the settlement of this question, none of the many evils which belonged to the state of government and society in Ireland could be remedied, it must appear somewhat extraordinary in the eyes of the public to see these seven ministers sitting in the same cabinet with those who went just as far on the opposite side, and maintained that concession to the Catholics would be followed by the subversion of the constitution. It was in vain that an attempt was made by these ministers to establish a distinction between their obligations as members of parliament, and as members of the government, for every well-regulated mind must condemn it as contrary to every principle of political consistency and political honesty. To adopt the course that these occasional friends of the question pursued, was to leave the question to time and chance to work some, at present not foreseen, circumstances, to secure its final settlement. But this was a question, which, of all others, ought not to be left to time and chance; for the exclusion of millions of his majesty's subjects from their constitutional rights ought to be justified by some sound and visible principle of public policy, or it became an act of flagrant injustice and the height of oppression to continue it. Yet, without setting forth any such principle, when ministers, as individuals, excited the hopes and expectations of the Catholics, and in the council of the regent banished the question from their consideration, how could any man place a rational confidence in such a government? It was to be hoped that an end would soon be put to this system of things. The petitions which were now coming from the whole body of

the Catholics, assembled in their respective parishes, would produce a greater impression than the plan of petitioning heretofore acted upon. And as these petitions would state in respectful and moderate, but in the strong terms of plain truth, grievances which had a real existence, they would shew the absolute necessity of affording relief. As he wished to say nothing to provoke at this period the discussion of this great question, he should content himself for the present in entering a protest, in the name of a great part of his constituents, against this practice, which was uniformly pursued by government, of passing over, without any notice, the severe disabilities under which the Catholics laboured. They were not in the situation of many that come before this House with strong cases of hardship, consisting of few in numbers, and forming but a small portion of the public, but it might be said, almost with perfect truth, that they were a whole people, and as such they deserved some consideration from those who composed the government of the country.

Mr. *Tierney* said, it was not his intention to oppose the motion, or to detain the House with any observations of his own, after the very able speech which had been delivered by his hon. friend behind him. His object in now rising, was merely to observe, that he wished it to be understood that by consenting to the Address he did not bar himself from all possibility of entering, at a future period, on the subjects alluded to in it. There were several things in the Speech—and in the latter part of it, more particularly, doctrines were laid down which he could only assent to with considerable modifications,—he meant what was said respecting the prosperity of the country. While that blot on our credit, the Bank paper, continued on its present footing, he could not consider the country in a sound state. It might be perhaps rather irregular, but he wished to take as early an opportunity as possible of giving notice, that on Tuesday the 2d of February, it was his intention to move for the appointment of a committee to inquire into the state of Public Credit, and particularly with reference to the Bank Paper system.

The Address was then agreed to, *nem. con.*

HOUSE OF COMMONS.

Friday, January 22.

HARROWGATE ROADS PETITION.] Mr. *Lawson*, in rising to present a petition, said, that it was with considerable diffidence he put himself forward on the present occasion. He who was then, for the first time, trusting his virgin bark, which was scarcely sea-worthy, to the tempestuous ocean of political discussion, must naturally feel great timidity at the hazard of the trial. But still the importance of the trust which was confided to his hands, and the conviction that he was bound to use his best efforts to discharge it faithfully, gave him confidence; and, therefore, he unhesitatingly embraced the opportunity of taking the sense of the House upon the petition—the first which was presented to this parliament—which he held in his hand. "Nay," continued Mr. Lawson, "start not, Mr. Speaker, at the sight of parchment, nor imagine, from what I am now about to present, that you are about to have such an accumulation of petitions as daily poured in upon and covered your table in the last parliament. This is a petition for true and radical reform—a reform, not, Sir, of the House over which you so honourably preside—but, of a Yorkshire turnpike-road [A laugh]. The petitioners, it is true, have, like other reformers, gone upon a levelling system; but upon other grounds; they wish that the trustees, who form as well the representative as the executive power, may have an extension of their authority. Their prayer, however, was not for economy and retrenchment—they sought not to have their burthens lightened—no; but, anxious for the public good, they wished to have their burthens increased. Mr. Lawson went on to show, that though this in name might be considered a private matter, yet, from its importance, it ought to be considered as a public question. It prayed for a bill to improve the line of road leading to Harrowgate—the metropolis of a northern county; and to increase the toll to defray the expense to be incurred. The fashionable and gay place of resort to which this road led, rendered its improvement a matter of public interest. The Speaker himself could attest the importance of the place, having visited it. He also could give his testimony to the necessity of having the prayer of the petition complied with; and it must be evident to all, that it was of advantage to

the public, that there should be such a road leading to this place of resort for fashion as well as for health, as might prevent the delicate nerves of its visiters from being too much shaken in their passage to and from it.

The petition was referred to a committee.

WAR IN INDIA.] Mr. *Canning* said, he rose to give notice, that on an early day he should submit a motion of thanks to the marquis of Hastings and the officers and men composing the army in India, for their great and persevering bravery in conducting the late war. He gave this early notice, that there might appear no delay on the part of the House in testifying their approbation of the conduct of the noble marquis, and the bravery of those who acted under him. At the same time, he should not fix the day, till after the papers relative to the whole of the business were before the House. He did not wish, however, that his motion should be in any way a political one; but he thought it would be much better that the House should be put in possession of all the necessary documents connected with the war, before his motion came on.

CORN LAWS—RUTLAND PETITION.] Sir Gerard Noel presented a petition from the landholders of the county of Rutland, setting forth, that this country possessed, within itself, sufficient means of producing an abundant supply of corn of every description, for all its inhabitants, without having recourse to the aid of other countries. They prayed that a select committee might be appointed to examine into this matter; that they might be allowed to give evidence before such committee; and in case only of their being able satisfactorily to establish the premises, that such protection might be afforded to them as was enjoyed by the manufacturers, merchants, and traders, by the navigation act. The hon. baronet said, that though he presented it at the request of the parties, he was not prepared to go further in its support.—Ordered to lie on the table. Shortly after,

Mr. *Calcraft* observed, that a very important petition had been presented by one of the members for Rutland. It purported to come from a certain number of persons belonging to the class of agriculturists, as they were generally called; and its prayer was, to be allowed to prove their case before a committee of the House. Their object was, to obtain an increase in the importation price of corn. With the sentiments which he had always entertained, and still continued to entertain, on this subject, he had looked upon the attempt which appeared to be in contemplation with equal concern and alarm. As he now saw the vice-president of the Board of Trade in his place, he thought it right to take that early opportunity of requesting to know the opinion of government, with regard to any further change in the corn laws, and sincerely trusted that it was not favourable to any measure of such a description.

Mr. *Robinson* thought it was almost necessary for him to apologise for not having, when the petition alluded to was presented, expressed his sentiments at once on this serious and most important question. As he had inadvertently lost that opportunity, he was obliged to the hon. gentleman for affording him the present, of making—what appeared to him to be of the utmost moment to make—a distinct avowal of the view in which the subject was considered by his majesty's ministers. They were decidedly of opinion, not only that it would be unadvisable to agitate such a question, but in case of any substantive proposition being brought forward, would meet it with their most determined resistance [Hear, hear!] They looked upon the last measure as one of sound legislative policy, and that it had produced all the benefits which were expected to be derived from it to the agricultural interests of the country. But they would consider it to be the height of imprudence, amounting almost to insanity, to introduce any new measure; or to revive discussions which could have no other effect than that of exciting differences and animosities from one end of the kingdom to the other.

Mr. *M. A. Taylor* strongly condemned the attempt which was now carrying on to force this question again on the attention of parliament. He always had used, and he should continue to use, his utmost endeavours to defeat every scheme for tampering with the corn trade.

Sir *H. Parnell*, from the share which he had taken in former discussions on this subject, in support of the Corn Bill, was glad to take that opportunity of expressing his disapprobation of the attempts which had been lately made to disturb the public mind. He perfectly agreed in

all that the right hon. gentleman had said. He could not see what had occurred to render it necessary to bring the question again before parliament. The measure adopted had been beneficial every way; it had benefited the agricultural interest, without injuring any other class of the community.

Mr. *Long Wellesley* concurred with the hon. baronet in thinking, that the late act had produced all the benefit to agriculture that could have been expected, or was desirable. He had heard with much satisfaction, the declaration of the same sentiments on the part of government.

Another member was now about to offer some remarks, when

The *Speaker* suggested, that as a very important question had been asked, and an explicit answer given, it would be inconvenient and contrary to the practice of the House, to prolong a conversation which was not addressed to any question now before it.

Private Bills.] The standing order of the 18th June, 1811, "That all Petitions for Private Bills be presented within fourteen days after the first Friday in the next and every future session of parliament," being read it was resolved, 1. "That this House will not receive any petition for private bills, after the 5th of February. 2. That no private bill be read the first time after the 15th of March. 3. That this House will not receive any report of such private bill, after the 10th of May."

Public Business—Orders of the Day, and Motions.] The Chancellor of the Exchequer moved, "That, in this present session of parliament, all Orders of the Day, set down in the Order Book for Mondays and Fridays, shall be disposed of before the House will proceed upon any Motions of which Notices shall be entered in the Order Book."

Mr. *Calcraft* observed, that this arrangement ought to be understood with reference to the necessity of the case. When it was first made, it was done for the accommodation of both sides of the House; and he did not see why the right of bringing on an important motion should be given up in every instance.

Mr. *Bennet* was against the principle of giving precedence to orders on every occasion, and said he should exercise his right of bringing forward a motion on those days whenever he thought it necessary.

Mr. *Robinson* said, that on all occasions, when the necessity of the case required it, motions might have the precedence. Undoubtedly, the hon. member possessed the right he mentioned, and would exercise it at his own discretion.

The motion was then agreed to.

Election Petitions.] Several petitions complaining of undue elections and returns, being offered to be presented, it was resolved, "that whenever several petitions, complaining of undue elections or returns of members to serve in parliament, shall at the same time be offered to be presented, Mr. Speaker shall direct such petitions to be all of them delivered at the table; where they shall be classed, and read in the following order: viz. Such petitions as complain that no return has been made of a member or members to serve in parliament, in the first class. Such as complain of double returns, in the second class. Such as complain of the election or return of members returned to serve for two or more places, in the third class. Such as complain of returns only, in the fourth class. And the residue of the said petitions, in the fifth class.—And the names of the places to which such petitions (contained in the first class, if more than one) shall relate, shall, in the first place, be written on several pieces of paper of an equal size; and the same pieces of paper shall be then rolled up, and put by the clerk into a box or glass, and then publicly drawn by the clerk; and the said petitions shall be read in the order in which the said names shall be drawn; and then the like method shall be observed with respect to the several petitions contained in the second, third, fourth, and fifth classes, respectively."

Then several petitions were delivered in at the table accordingly; and the names of the places to which the said petitions related were put into the glass at the table, and drawn by the clerk in the following order; 1. Fowey—petition of Alexander Glynn Campbell, esq.; also, a petition of Richard Cotton Mould, and other electors; to be taken into consideration on the 9th of February.—2. Cork County—petition of John Boyle, esq.; also, a petition of Richard Ronayne, and other electors; also, a petition of Emanuel Hutchins, a freeholder; to be taken

into consideration on the 23rd of February.—3. Leitrim County—petition of John Marcus Clements, esq.; also, a petition of Henry John Clements, a freeholder; also, a petition of the rev. John Leahy, a freeholder; to be taken into consideration on the 23rd of February.—4. Cork City—petition of Mountifort Longfield, esq.; also, a petition of Edward Roche and others, freemen and electors; to be taken into consideration on the 25th of February.—Camelford—petition of John Stewart, esq. and others; to be taken into consideration on the 9th of February.—6. Leominster—petition of electors; to be taken into consideration on the 11th of February.—7. Eversham—petition of Sir Charles Cockerell, bart.; to be taken into consideration on the 11th of February.—8. Limerick City—petition of Thomas Spring Rice, esq., to be taken into consideration on the 25th of February.—9. Drogheda—petition of James Gernon and others; to be taken into consideration on the 2nd of March.—10. Penryn—petition of John Lavicount Anderdon, esq., and others; to be taken into consideration on the 16th of February.—11. Wootton Bassett—petition of John Wray and Horace Twiss, esqrs.; to be taken into consideration on the 16th of February.—12. Inverkeithing, &c.—petition of the hon. Francis Ward Primrose; to be taken into consideration on the 18th of February.—13. Chester City—petition of Sir John Grey Egerton, bart., and John Williams, esq.; also, a petition of John Lowe and other voters; to be taken into consideration on February 18.

State of Prisons—Abuses in Public Charities.] Mr. *Canning* rose to give two notices on behalf of lord Castlereagh. During the last session certain papers relative to the state of the various prisons throughout the kingdom had been moved for in another place. It was now intended that the same papers should be laid before this House. His noble friend intended then to move that a committee be appointed to inquire into the state and discipline of the various prisons. The other notice referred to a commission which had been appointed to inquire into abuses in public charities. When the first report of that commission should be presented, it was the intention of his noble friend to move for leave to bring in a bill granting certain extensions to the powers and objects of that commission.

Bank Restriction.] Mr. *Hart Davis* commenced a question, which he put to the chancellor of the exchequer, by saying, that a large body of merchants, bankers, and manufacturers of the city of Bristol, had directed him to express their sense of the distressing effects which would follow the too early resumption of cash payments; and they had requested him to endeavour to learn what were the intentions of his majesty's ministers in relation to this momentous question. He had applied to the right hon. gentleman, who had suggested to him the propriety of asking for information, as to the views and intentions of government with respect to this subject, in the House. He therefore took the earliest opportunity of asking the right hon. gentleman, whether it was the intention of his majesty's ministers to recommend a continuance of the restriction on payments in cash? Now that he was on his legs, he would put another question to the chancellor of the exchequer, which was highly interesting. The right hon. gentleman had said, in the course of the last session, in reply to a question put to him, that he saw no probability of being obliged to resort, during the present year, either to funding or raising money by loan. Was he of the same opinion still?

The *Chancellor of the Exchequer* observed, that he considered it his duty to give an explicit answer to the first question put to him by the hon. gentleman. It had been his intention to bring forward a measure for the purpose of continuing the Restriction act, in the course of the ensuing week. A right hon. gentleman had, however, given notice of a motion on the state of public credit, as connected with the circulation of Bank paper, for a subsequent day; and it would, therefore, be more convenient to defer his own proposition till after the discussion of that motion. With respect to the second question of the hon. gentleman, the House must feel that his majesty's ministers should be free to choose the most beneficial mode of raising the supply for the year. He certainly did not at present foresee that there would exist a necessity for any additional funding; but it would at the same time be unadvisable to fetter a discretion which circumstances might render it advantageous to exercise.

Report of the Commissioners respecting the Mode of preventing

||

THE FORGERY OF BANK NOTES.] The chancellor of the exchequer presented, by command of the Prince Regent, the following

REPORT of the Commissioners appointed for inquiring into the mode of preventing the FORGERY OF BANK NOTES.

To his Royal Highness George Prince of Wales, Regent of the United Kingdom of Great Britain and Ireland.

In obedience to the directions contained in his majesty's commission, we proceeded, in the latter end of the month of July last, to consider the important subject referred to us.

Our attention was first directed to the proposals for improvement in the form of the notes issued by the Bank of England; and it being known that many plans had been submitted to that body which they had not thought it expedient to adopt, we felt it proper, in the first instance, to obtain correct information upon this point; and we therefore requested the court of directors to furnish us with an account of such plans, They did accordingly furnish us, without delay, with a detailed account of 108 projects, regularly classed and arranged; together with the correspondence respecting them, a statement of the trials to which they had been subjected, and specimens of the proposed originals, and of the imitations executed by order of the Bank. They also laid before us about seventy varieties of paper made at their manufactory in experiments for its improvement, in which almost every alteration recommended for adoption had been tried, and, in some instances, anticipated by their own manufacturer.

We have also received and answered communications from about seventy individuals, which have been arranged and considered; and in some cases, a personal interview has been requested, and held. Several of these persons had been previously in communication with the Bank; and we find that in the instance of some projects of superior promise, the directors had furnished to the proposers, the pecuniary means of carrying their ideas into effect. We have likewise sought and obtained information, as to the state of the paper currency in other countries; but this has proved of very little importance, with reference to the object of our present inquiry. From America, which affords the closest parallel to the state of England in this particular, no official return has yet been received, but we have reason to think that in several parts of the United States, the crime of forgery is prevalent, and that great efforts are now making to give to the notes such a character as may baffle the skill of the American forger. Specimens of these improved notes have been communicated to us by the agent of the American patentee, and have received our particular attention with regard to the practicability of adopting the invention, in whole, or in part, so as to present a barrier to the art and skill of the forger in this country.

Upon the general subject of the extent of forgery, we do not think it necessary to recapitulate statements which are already before parliament and the public. It appeared to us however proper to obtain more particular information as to the course which has been hitherto pursued by the Bank, both with respect to the prevention, and with respect to the detection and punishment of the crime. Upon the former of these points, we have received from the directors, in addition to the account before alluded to, clear and circumstantial details. And it is but common justice to those gentlemen to state, that in every instance our inquiries have been met by them in the most prompt and satisfactory manner, and every sort of useful information readily furnished. We feel it also proper to add our opinion, formed after an examination of all the projects which have been formerly submitted to the Bank for a change in the form of their notes, that no one of these could have been adopted with such a prospect of solid advantage to the public, as would compensate the evils necessarily attendant upon a change.

The invention to which we refer in the latter part of this report, and on which our attention is now principally engaged, was laid before the directors a short time previous to the issuing of his majesty's commission, and so far entertained by them, that they advanced a large sum of money to the author. The chief merit of this invention consisting in the extreme accuracy of the machinery requisite, time and application are necessary to bring it to such a state of perfection as appears likely to answer the purpose desired.

Upon the latter of the two points above referred to, we have received from the chief inspector and chief investigator at the Bank, and also from the solicitor, accounts of the course pursued in their respective departments. For which purpose, we requested the personal attendance of each of those officers, and entered into such an examination of them, as appeared to us to be calculated to produce the necessary information. We have also been furnished by the Bank with the means of judging of the actual state of forgery, and of that degree of skill which appears sufficient to deceive the public, by the examination of forged notes of various kinds; and even of the tools and instruments used by one forger, which were taken upon him.

Whilst it is painful to observe the degree of talent thus perverted, it is at the same time to be remarked, that in many instances the public suffer themselves to be deceived by very

miserable imitations; and it is to be feared that a similar carelessness would very much lessen the good effects to be derived from the employment of superior skill and workmanship in the formation of a new note. Another fact appears proper to be noticed here, as forming an important ingredient in the consideration of any proposed plan. The issue of small notes by the bank is necessarily very uncertain and irregular in its amount. We find, that to keep up the usual supply, not less than fifty plates are requisite; and it is considered proper to have a much larger number in a state of preparation. And as it is obviously necessary to preserve, as much as possible, identity in the notes, this circumstance alone, precludes the application for this purpose of many ingenious plans, even if there did not exist other insuperable objections to them.

Resulting from the above statements and examinations, some general observations have occurred to us, which appear proper to be introduced in this stage of the Report.

It has been very commonly imagined, that, in consequence of the simplicity of execution in the present bank notes, the actual forgery of them was very generally and extensively practised, and that often by persons without money or talent; and this idea has formed the basis of much of the reasoning used by many of the projectors, whose plans have been under our view. The reverse of this we believe to be the fact; and from the information before us, we feel ourselves warranted in stating our opinion, that the great quantity of forged small notes which have lately been found in circulation, have all issued from a very few plates only; and that the fabrication of them is chiefly confined to one particular part of the country, and carried on by men of skill and experience, and possessed of a very considerable command of capital. Upon a cursory observation, it appeared remarkable that whilst so many utterers are constantly brought to justice, the actual forger should very rarely indeed be detected. But further investigation has led us to think, that this fact may be accounted for; and without entering into details, which upon this point it is better to avoid, we think that it results naturally from the lamentable perfection of system, to which this fraudulent traffic has been brought; and we have seen no reason to doubt that the directors of the Bank, and their officers, have used every exertion in their power to bring the actual forgers to justice, though unfortunately without success, except in very few instances. We cannot refrain however from adding to this statement, our opinion, that there must be some culpable remissness in the local police of those districts within which the actual fabricators of bank notes are more than suspected to reside, and to carry on their trade with impunity. And before we quit this part of the subject, we wish to suggest for the consideration of those, by whose judgment such a question may be properly decided, whether it might not be expedient to offer a very large reward for the apprehension and conviction of a person actually engaged in forging bank notes. We are aware of the objections which exist against the system of pecuniary rewards, and are fully impressed with a sense of the evils that may arise from a too general adoption of it. But the circumstances under which the crime of forgery exists in this country are peculiar; and it appears to us hardly possible that those evils which might be anticipated from the offer of a reward in the case of some other crimes, could follow from such an offer in this case; and knowing how many individuals must be saved from punishment by the conviction of one actual forger, we venture to recommend the adoption of this measure, to be concurrent with such an improvement in the form of the note as we hope to see effected.

Having been furnished with such information as was within our reach, relative to the subject of our inquiry, we in the next place, proceeded to examine more in detail the several projects submitted to us. In pursuing this examination, we have not indulged the vain expectation of finding any plan for a Bank note, which shall not be imitable by the skill of English artists, and we have considered that it would be utterly unsafe to rely for security against forgery, upon the employment of any process, the chief merit of which was to consist in its being kept secret; of which several have been communicated to us. Our object has been, to select some plan, of which the process, when the principles of it are understood, and the machinery and implements provided, should be simple enough to be applied without interruption to the extended operations of the Bank; and should at the same time comprise so much of superior art, as may oppose the greatest possible difficulties to the attempts of the forger, and may present such points of accuracy and excellence in workmanship to the eye of any individual using ordinary caution, as shall enable him to detect a fraud by observing the absence of those points in a fabricated note. In the mass of the schemes before us, there are, of course, very various degrees of merit; and we endeavoured to class them as well as circumstances would permit. From a very large portion of them it was obvious, upon a first inspection, that no beneficial result could be expected. Of the whole number, we find about twelve of superior skill and ingenuity, but anticipated by others of higher merit; or merely ingenious, but inapplicable in practice. And we consider nine others to be either of such originality or ingenious combination of existing means, as to have required our more particular attention; and with respect to these, much consideration has been had, and in some instances, improvements and experiments suggested and tried.

We have not considered, as decisive against the merit of any particular plan, the single fact, that it may be imitated by superior art and expensive means. But when we have found, in the case of specimens submitted to us, apparently of great excellence, and the result of a combination of talent or machinery, that a very good imitation has been produced in a short time, without any peculiar expense, and by the application of means only, which are within the reach of very many artists and engravers in England; and when we reflect, to how very few hands the business of forgery appears to be at present confined, we cannot doubt that in the event of bank notes being formed from any of such specimens, an equal number at least of persons would very soon indeed be found capable of fabricating those notes to a considerable extent, and with a degree of skill quite sufficient to deceive the public. Another consideration has also had weight in inducing us to hesitate much, before we venture to recommend any specific plan. The adoption of any new form of note presenting peculiar and characteristic marks, but the imitation of which we could not confidently feel to be extremely difficult, would not only not do good, but would produce much evil; and would induce a false security, by accustoming the public to rely upon the appearance of such marks and peculiar character, rather than upon a cautious and general observation of the whole note.

Our remarks however, as to imitation, do not apply to all the specimens which have been offered to us. There are a few of singular and superior merit, produced by means which it is very improbable should ever come within the reach of any single forger, and the imitation of which, except by those means, appears in a high degree difficult.

Safety, or rather comparative safety, is to be sought, to a certain extent, in a combination of excellence in various particulars; but chiefly, as we conceive, in the application of a principle beyond the reach of the art of the copper-plate engraver, which in its different processes is possessed of the most formidable power of imitation. One plan, before alluded to, as apparently affording this advantage, has been, with the most liberal assistance from the Bank, for some time past in a course of trial for its greater perfection, and with a view to combination with other improvements, satisfactory experiments of which have already been effected. The result, if our expectations be not disappointed, will afford a specimen of great ingenuity in the fabric of the paper, of great excellence in the workmanship, and of a very peculiar invention, and difficult machinery in the art of printing. We confidently hope, that no long time will elapse, before we are enabled to lay before your royal highness that result; and we have every reason to know, that the bank directors are seriously anxious to adopt any plan, which shall be found, after patient examination, to be worthy of adoption. In the mean time, we have thought it right not to delay informing your royal highness of the course of our proceedings. The investigation in which we have been engaged, has strengthened rather than removed our feeling of the difficulties with which the whole subject is surrounded. We do not wish to represent those difficulties as precluding the propriety of an attempt to remove the existing evils, by a change in the form of the notes issued by the Bank of England; but we do feel them to be such, as make it imperative upon those with whom the responsibility rests, to be fully satisfied that they shall produce an improvement, before they venture to effect a change.

All which is humbly submitted to your royal highness's consideration and judgment.

Soho Square, Jan. 15, 1819.

Jos. Banks.
William Congreve.
William Courtenay.
Davies Gilbert.
Jer. Harman.
W. H. Wollaston.
Charles Hatchett.

The report was ordered to lie on the table, and to be printed.

HOUSE OF LORDS.

Monday, January 25.

Bank Restriction.] The Earl of *Liverpool* adverted to what he had said on a former evening, relative to its being the intention of his majesty's government to propose a bill for continuing the restriction upon cash payments at the Bank of England, and observed, that at the time he made that statement, it was not in his contemplation to propose any inquiry with regard to the subject. Since then, however, a communication had been received from the committee of gentlemen with whom his majesty's government were in the habit of officially communicating, he meant the committee of Bank Directors, which had induced him to bring forward a motion for a committee of inquiry. He therefore gave notice of his intention to move to-morrow se'nnight for the appointment of a committee to inquire into the state of the Bank of England, with reference to the question of the restriction of cash payments.

The Earl of *Lauderdale* expressed his satisfaction at the intended motion of the noble earl, but trusted it would not interfere with the motions for information which he intended to make for the purpose, and which information he considered essential to the proper consideration of the question.

The Earl of *Liverpool* said, he by no means intended his motion to interfere with the motions of the noble earl, but on the contrary, thought that the greater part of, if not all the information for which the noble earl intended to move, would be useful to the consideration of the subject in the committee.

STATE OF PRISONS.] The Marquis of *Lansdowne* said, he had, towards the end of the last session, moved for certain papers relative to the state of the prisons of the country. Those papers had not yet been presented; but every thing, that had fallen under his own observation since the dissolution of the last parliament, relative to the subject of prisons, was of a nature to shew, that a farther inquiry into the subject was highly expedient, and all that he had heard from others had served to confirm him in this opinion. As soon, therefore, as the papers to which he had alluded should be laid on the table, he would move the appointment of a committee to take them into consideration; and he would also move, that all the acts relative to the management of prisons be referred to the same committee. He was happy to find that this subject was to be taken up in another place; but when he considered the advantages their lordships House possessed for the successful prosecution of an investigation of the kind he had in view, he should not be induced, by any thing which might happen elsewhere, to abandon his intention.

Lord *Sidmouth* wished to remind the noble marquis, that the information he had moved for at the close of the last session comprehended the state of the prisons for the year 1818. The accounts of course could not be made up before the end of the year. Every effort had, however, been made to complete them, and the greater part were already prepared, but the whole could not be finished before the end of the ensuing month. When the motion for these accounts was before their lordships at the end of the last session, he had intimated his intention to submit to the House a proposition relative to the state of the prisons soon after the meeting of parliament, and he hoped to have had an opportunity of doing so before any other public notice should be taken of the subject. It had long been his most anxious wish to see the state of the prisons fully investigated; and under that impression, it was his intention, had he not been anticipated, to move that the documents which were in the course of preparation should, when on the table, be referred to a committee.

The Marquis of *Lansdowne* said, he was far from wishing to anticipate the noble secretary of state. If his majesty's ministers were desirous of taking up the subject, he should not stand in their way, but would, on the contrary, always be ready to concur with them in the course which might appear most effectual for the attainment of the important object he had in view.

CARE OF HIS MAJESTY'S PERSON BILL.] The Earl of *Liverpool* having moved the order of the day, and the reading of that part of the Speech of the Lords Commissioners which related to the death of the queen, and the care of his majesty's person, proceeded to address the House on the subject of which he had given notice. The death of the queen—that calamitous event, which their lordships and the nation had deplored, and for which he had recently called upon their lordships to offer their condolence to the Prince Regent—now imposed upon him the duty of proposing a measure relative to the trust of the king's sacred person. When, about eight years ago, their lordships were called upon to consider this important question, they had judged it right that the custody of his majesty's person should be vested in the hands of one individual, and that that individual should not be the person who was placed at the head of the government. He thought then, and remained still of the same opinion, that their lordships had come to a judicious decision. It was not a decision adopted on any principal of jealousy of the head of the government, but was one which could not fail to be most agreeable to that illustrious person himself. Their lordships then resolved to commit the custody of the king's person to that individual to whom, from connexion, character, and rank, it was most proper the sacred trust should be consigned. In consequence of the lamented decease of her majesty, their lordships had now to consider of the best means of supplying her place with respect to this important trust. He believed he should anticipate their lordships wishes by proposing his royal highness the duke of York. Whether their lordships considered the relation in which that illustrious person

stood, his character, or his previous conduct, it appeared that the office which it was necessary to supply could not be intrusted to one better calculated to fill it. It was, therefore, his intention to introduce a bill for placing the custody of the King's person in the hands of the duke of York. The trust he should propose would, as it had hitherto been, be undivided; but undoubtedly, as in the case of the queen, subject to the assistance of a council. He was persuaded that this arrangement would fully meet their lordships approbation. If, on a question of this kind, personal feelings were to have any weight, and he knew no reason why they should not, some additional motive might be assigned for the mode of conferring this important office, and a motive which would have due consideration with their lordships: that was, that if his majesty could himself declare in whose hands he would desire this trust to be placed, it was certain that he would assign it to the illustrious individual named in this bill. With these observations he should offer the bill to their lordships for a first reading. It was confined to the object he had stated, and the re-appointment of the council which acted under the former bill. Blanks would be left for this purpose, which he would propose to fill up with the same names; but it would be necessary to supply the place of one member of the council by a new appointment, in consequence of the death of the lord chief-justice of the court of King's-bench.

The bill was then read a first time, and ordered to be printed.

HOUSE OF COMMONS.

Monday, January 25.

PETITION OF THE CORPORATION OF LONDON, COMPLAINING OF THE CRIMINAL LAW.] The Sheriffs of London appeared at the bar, and presented the following Petition:

To the Honourable the Commons of The United Kingdom of Great Britain and Ireland, in Parliament assembled. The humble Petition of the Lord Mayor, Aldermen, and Commons of the City of London in Common Council assembled,

"Sheweth,—That your petitioners are greatly interested in the police, both for the city of London, and for the county of Middlesex, where his majesty's commissions for the trial of offenders issue yearly, and eight sessions at the least are held every year; and they are impressed with the conviction, that their representations upon the present state of the Criminal Law, and its effects on public morals, will be deemed worthy the consideration of your honourable House.

"That upwards of two hundred crimes very different in their degrees of enormity are equally subject to the punishment of death, which is enacted not only for the most atrocious offences, for burglary, for rape, for murder, and for treason, but for many offences unattended with any cruelty or violence, for various minor crimes, and even for stealing privately to the amount of five shillings in a shop.

"That from the returns upon the table of your honourable House, it appears that crimes have for some years been rapidly increasing, both in number and malignity, to the injury of the rising generation, and the debasement of the national character.

"That there were committed for trial in Middlesex in the years 1812, 1,663; 1813, 1,707; 1814, 1,646; 1815, 2,005; 1816, 2,226; 1817, 2,686.—The capital convictions in Middlesex were in the years 1812, 132; 1813, 138; 1814, 158; 1815, 139; 1816, 227; 1817, 208.—There were executed in Middlesex in the years 1812, 19; 1813, 17; 1814, 21; 1815, 11; 1816, 29; 1817, 16.—There were committed for trial in the different gaols in England and Wales, in the years 1805, 4,605; 1812, 6,576; 1813, 7,164; 1814, 6,390; 1815, 7,818; 1816, 9,091; 1817, 13,932.—There were confined in Newgate only of boys, of 17 years and under, in the years 1813, 123; 1816, 247; 1817, 359.

"That without the interference of your honourable House, in adapting the state of the criminal law to the state of the moral and religious sentiments of the nation, the increase of crimes must be progressive, because, strong as are the obligations upon all good subjects to assist the administration of justice, they are overpowered by tenderness for life—a tenderness which, originating in the mild precepts of our religion, is advancing and will continue to advance as these doctrines become more deeply inculcated into the minds of the community.

"That many injured persons have refused to prosecute, because they cannot perform a duty which is repugnant to their natures, by being instrumental in the infliction of severity contrary to their

ideas of adequate retribution; and by such impunity young offenders, instead of being checked in their first departure from virtue, are suffered to advance from small offences to crimes of great atrocity.

"That some jurymen submit to fines rather than act as arbiters of life and death in cases where they think the punishment of death ought not to be inflicted.

"That some jurymen are deterred from a strict discharge of their duty, and acquit guilt or mitigate the offence so as not to subject the offender to the punishment of death, and thus assume a discretion never intended to be vested in juries, and relax the sanctity of a judicial oath, upon which the integrity of the trial by jury much depends.

"That this determination by juries to oppose the severe enactments of our laws is of daily occurrence.

"That amongst other instances, a jury, rather than be instrumental in inflicting the punishment of death for larceny to the amount of 40*s.* from a dwelling, found a 10*l.* note to be worth only 39*s.*

"That another jury, influenced by the same motives, found two bills of exchange, value of 10*l.* each, and eight Bank-notes, value of 10*l.* each, worth the same sum of 39*s.*

"That your petitioners cannot omit to urge upon your honourable House, that even this disinclination to enforce the law is not confined to the injured parties, and to juries, but extends to the learned judges, who, impressed with a similar feeling have exercised their ingenuity in discovering means by which the real value of the property stolen should not be found by the jury; and where convictions have taken place, constantly recommend a great part of the convicts to the royal mercy; and his majesty's advisers, influenced by the same anxiety to preserve human life, readily apply and easily obtain from the throne a remission of the sentence.

"That your petitioners do not apply to your honourable House with any feeling but of gratitude and respect, at the administration of the law by the learned judges, or at this exercise of the royal prerogative by causing law and justice in mercy to be executed in every judgment, but they are impelled to submit to your consideration the state of the law itself which produces evasions dangerous to the community, and which must continue to produce them, as they depend not upon the sentiments of any individuals, but upon certain and general principles of our nature, upon the advanced state of civilization in the country, and upon the diffusion of Christianity, by which we are daily taught to love each other as brethren, and to desire not the death of a sinner, but rather that he should turn from his wickedness and live.

"Your petitioners, therefore, humbly pray, that your honourable House will take the premises into your most serious consideration, and adopt such measures as the importance of the subject requires, and as to the wisdom of your honourable House may seem meet."

Mr. Alderman *Wood* said:—I am sure, Sir, the House will think with me, that the petition now presented for its consideration refers to a subject of the highest importance to the honour and character of the country. The House is aware that this subject has occupied the attention of very able and experienced men, of very wise and learned lawyers, during the last half century. I need not trespass upon the attention of the House by alluding to the opinions already so generally known and approved, of the distinguished characters to whom I allude, and who have all recommended imprisonment and labour rather than death, for the punishment of crime, and the amelioration of the morals of criminals. There is not a man who hears me that does not know, either from his own experience, or from his sources of information through other authentic channels, that, notwithstanding the severity of our criminal code, crimes have of late been continually upon the increase, and that the application of capital punishment has been found utterly inadequate to produce the effect for which it was intended. So little effect has the denunciation of death produced upon criminals, that, some time ago, it was their practice to hold mock courts, for the purpose of deciding upon the probable cases among themselves which would terminate in the conviction of the parties; and the rest then laughed at the sort of ordeal to which they were exposed, and turned into mockery the proceedings adopted towards them. It is my practice, and indeed I am bound to do so from the nature of my magisterial duties, to visit the prison of Newgate frequently. I was there so late as yesterday, and conversed with forty convicts, who are sentenced to death,

but not one of whom believes that he will suffer the extreme punishment of the law. They make this calculation upon very natural grounds; for, I believe, on the average, not one in thirteen suffers the full punishment which is awarded against him. This uncertainty of punishment is a great evil. I know that the fountain of mercy must be left to the operation of sound discretion, and cannot be governed by any very general or defined rules. But it would be well if some system of punishment were adopted, which would act with certainty upon the mind of the offender. As it is at present, the culprit, from the uncertainty in which hope, and a reference to the cases of others, leave him, makes no preparation for death; the idea never enters his thoughts when he is surrounded by large numbers who are precisely in the same predicament with himself. I yesterday talked with some convicts whose offences were of that class which ought to leave them little hope of mercy, according to the experience presented by similar cases, and yet not one of them seemed to possess the slightest idea that his sentence would be carried into execution. It would be presumptuous of me to enter here into the character of the law and its effect as it bears upon particular cases. That subject, I am glad to find, is likely to be taken up by an hon. and learned gentleman who is far better able to do it adequate justice. If no other person had taken up the subject, I should myself have made the attempt, so convinced am I of the necessity of an alteration in our present system. On this subject it is impossible for us not to feel, in common with the country, the loss we have sustained in the death of that great and good man, sir Samuel Romilly. The loss of a man so well calculated to do justice to a subject of this importance, can never be too deeply deplored. I have lately visited the continent, and inspected a number of foreign prisons. I have seen from 12 to 1,400 convicts in a single prison. The general practice is, to doom them to hard labour for a given term of years, and the instances are rare indeed, where any of the parties, after the expiration of their confinement, return to their iniquitous practices. In Switzerland, the certainty of punishment is found also to operate in the manner in which it is intended. The criminals sentenced to death are sure to meet their fate, and therefore prepare at once to give effect to the example which operates upon society. In this country no such effect is produced by the denunciation of this sentence, and the real end is in a great measure lost. I move, Sir, that this petition do lie on the table.

Mr. Alderman *Waithman* addressed the House for the first time. He observed, that as his worthy friend has said so much on the subject, he would not trespass on the House with any discussion of the merits of the petition, but hoped he might be permitted to draw their attention to one or two leading facts connected with the subject. In the first place, it appeared that of late years crimes had increased to an alarming degree. Such was the undoubted and incontrovertible fact. It appeared, that during the last ten years, the number of persons imprisoned in the various gaols of the kingdom had increased in the proportion of nearly four to one; for they had increased from 4,000 annually to nearly 14,000. He could further state to the House, that as far as his information went, although that information was confined to the city of London, he believed a large proportion of the persons apprehended and taken before the magistrates escaped with impunity, because the magistrates felt a difficulty in committing them on account of the crowded state of the local prisons, and on account of the probability of their acquittal, in consequence of the rigour of the penal laws. By direction of the magistrates of the city of London, a statement was annually made out of the number, ages, &c. of the individuals committed to the different prisons in the metropolis. By the statement for the last year, it appeared, that there were, in the course of 1818, no less than 600 persons tried and convicted who were under 21 years of age. According to the best calculation it appeared, that the number of individuals under 21 years of age who were, in the course of the year, committed to Newgate and tried, exceeded 1,000. He was persuaded that the House would agree with him in thinking this a most alarming fact. He would not trespass on their time further than to express a hope, that the importance of the subject would force it on consideration; that the attention of his majesty's government would be called to it; that it would undergo a full investigation by parliament; and that, in the course of the present session some means would be devised to diminish this most alarming and

increasing evil [Cheering from both sides of the House].

Mr. *Bathurst* thought this was not a convenient time to enter on a question of so much importance. He wished the subject to be taken up in the place where it could be gone into fully—in the only place where it could be taken in detail,—in a committee of that House. When his noble friend came to move for his committee on the police and discipline of prisons, he might probably move that this subject should be referred to the same committee. Perhaps this would be the best way of treating it. It was undoubtedly true, that of late years there had been a great increase of crime; but this increase of crime, perhaps it might be satisfactory to those who had already spoken, to hear, had not been so great in the metropolis as in the country. Latterly, designing persons had, in too many instances, succeeded in withdrawing themselves from danger, and had effected their fraudulent designs by means of boys and inexperienced persons, whom they had contrived to expose to all the peril of being taken while executing their predatory schemes. This had in part caused the great increase of young persons, which, as the worthy alderman had remarked, appeared in the calendar. Whether the law could be so altered as to punish the head that planned, as well as the hand that executed a robbery, was a question very fit for the consideration of a committee.

Mr. *Tierney*, from the first part of the right hon. gentleman's speech, had been led to hope, that it was intended by government to institute a special inquiry into the important question now before the House. He should be glad if this course were to be taken, but it seemed, from what afterwards fell from him, that he intended to attach the revisal of the whole penal code as a sort of rider to the committee to be appointed to inquire into the state of the police and discipline of prisons. All he could understand was, that on the subject now before the House, the government had nothing to propose of themselves, but when the noble lord brought the other question forward, it was thought this might be added to it by way of rider. If the noble lord touched it at all, he hoped he would give it all the importance that belonged to it. If he would not do this, then he should wish him to let it alone altogether, and leave it entirely to his hon. and learned friend, by whom he understood from the worthy alderman near him, it was likely to be brought forward.

The Petition was ordered to lie on the table, and to be printed.

Petition of Dr. Halloran—State of Convict Ships.] Mr. *Bennet* presented a Petition from Dr. Halloran, sentenced to seven years transportation, for forging a frank, complaining of the unprecedented severity of the punishment for such an offence, and of the treatment which he had experienced since his conviction. The hon. gentleman said he had inquired into the circumstances of the case. Dr. Halloran was unquestionably a man of considerable literary talents, he was advanced in life, and had a large family. The sentence pronounced upon him certainly appeared much too severe for the offence; but it was the cruelty which Dr. Halloran complained that he had suffered since his conviction, to which he was desirous to call the attention of the House. He had, on his apprehension, been sent to Coldbath-fields, where he was imprisoned with felons. He was thence removed for trial to Newgate, where he was confined in the condemned cells with thirty or forty boys. From those cells, he was transferred to the hospital among the sick felons. He by no means imputed any blame to the magistrates or to the keeper, but it did so happen, owing to the crowded state of the prison, that a very severe punishment, in the mode of his imprisonment was, as in this case of Dr. Halloran's, inflicted on a prisoner, even before his trial. After Dr. Halloran had been convicted, he was sent on board the Alonzo hospital ship. Here he was seized with violent illness, in the middle of which he was removed, and carried on board the Baring transport, where he was left in a small cabin for nineteen hours without any kind of sustenance. He was then served with the usual sea allowance, which was very unfit for a man in his condition, but could obtain no medical aid. Dr. Halloran had been promised by lord Sidmouth that he should have every accommodation which it would be proper to grant him, and that he should not be compelled to associate with common felons. In a few days, however, after he had been taken on board the Baring, twenty felons were lodged with

him in the same cabin. He had seen this cabin; it was twelve feet square. Twenty-one human beings were crammed into it, in cribs six feet and a half broad by five feet and a half long, into each of which, six human beings were stowed. In that situation they were unable to turn round, and Dr. Halloran declared he was witness to one of those disgusting and abominable scenes, the increasing prevalence of which was so degrading to the character of the country. Dr. Halloran sent a statement of this transaction to lord Sidmouth, tendering evidence of the fact. A most respectable officer certainly, Mr. Capper, was sent down in consequence, and by his report it appeared that one of the individuals was a young lad of previously fair character, who for a small offence had been sentenced to seven years transportation. He (Mr. Bennet) repeated, that he himself had visited the vessel. It contained between two and three hundred human beings, all stowed in about fifty cribs. It was in the middle of the day, about three o'clock, when he went on board; and yet it was necessary to use candles. Never should he forget the loathsome scene which the vessel exhibited! A scene most disgraceful to a country and government calling themselves civilized and christians! It appeared that the ship had a short time before, got on a bank in a gale of wind, and had been nearly lost. The agitation of the storm had occasioned violent sickness among the unhappy men on board, and those who were at bottom, were almost suffocated by the results of that sickness. Good God! was it possible to contemplate such physical torture without horror? And yet what was that to the moral evil—in what a dreadful state of moral disease would this human cargo be poured out on the shores to which they were bound! It was impossible that it could be otherwise, for these wretched men were shut down in the state which he had described, for fifteen hours out of the twenty-four. Who could contemplate the horrors of these white slave ships, without indignation at the government by which their existence was permitted? He recollected the impression that was made all over Europe, and especially at Paris, by a paper in which the room allotted to each negro in the African slave ships was shown to be only one foot six inches by six feet. He had measured, and made a calculation of the room in the vessel which he had been describing, and he found that the room allotted to each convict was only one foot one inch, by six feet. And yet he had no doubt the "humanity" of the noble secretary of state would be forced upon the House, in answer to these glaring facts. Such was always the usage of the hon. gentlemen opposite. He had no hesitation, however, in saying that the condition of the ship in question was most disgraceful to the noble lord. To the accuracy of the facts (with the exception of that particular one mentioned by Dr. Halloran, of which, of course, he could know nothing) he pledged himself; and he repeated that the country could entertain but one opinion of the remissness of the head of a department under which a vessel so circumstanced was allowed to leave the country. He would say but one word more. This ship was ordered to sail at the most dangerous period of the year. In the committee on this subject last session, it appeared that vessels were sent out to New South Wales at periods so ill chosen, as to occasion the most dreadful mortality on board. One transport, called the Surrey, lost, in the passage fifty convicts out of two hundred. Under these circumstances, he had felt it his duty to make the statement with which he had troubled the House. He was no advocate for crime, but it was incumbent on the House to see that justice was properly administered. Penalties were inflicted on human beings, in order, if possible, to correct their evil propensities, and not to send them to a new world, in a state of even greater depravity than that in which they had been sunk in the old. [Hear, hear!] The hon. member then presented the petition.

Mr. *Bathurst* said, he did not wish to oppose the bringing up of the petition, but he thought it right not to lose a moment in replying to the charges which had been preferred against the head of the home department. His noble relative held a situation of high responsibility, and he hoped the House would never lose sight of the arduous duties which he had to perform. It was mighty easy for gentlemen to prefer such charges as these, but it was not quite so easy for the party attacked to perform all the duties of his high situation. He did not dispute the merit of the hon. gentleman in visiting those receptacles of misery which he so frequently explored, and he had often given him credit for his exertions, but it

would be to conceal his thoughts if he were not to say, that he was of opinion the hon. gentleman sometimes lent himself to those whose statements ought to have no weight with him, and adapted too much the views of men of bad character, believing the stories they told him without sufficiently inquiring into their truth. If he were to go into the history of the unfortunate man whose petition was now about to be presented, he could prove that he was no object of mercy. For many reasons he would not go into his history, and no reason weighed more with him than this, that such a statement might be injurious to his family, some of whom filled respectable situations in life. He, however, could not help stating, that if all the proofs had been brought forward that might have been urged against him, it would have been seen that the frank he forged, enclosed a forged character of himself, in which he recommended himself, using the name of a person not alive, to a curacy in the country, hoping by this expedient to secure to himself a comfortable situation. If the punishment awarded to his crime by the law was too great, that was a fit subject for the consideration of the legislature; but when application was made for mercy, the character of the individual was then to be considered, in order to determine whether or not he was a fit object for clemency. The hon. gentleman argued fallaciously when he contended that Dr. Halloran was punished for his bad character, and not for his crime. This could not be proved till it had been shown that a law did not exist to inflict the punishment to which he had been sentenced. If this were not proved, he must show that Dr. Halloran was an object for mercy. For his part, he would contend, that there had been shown no reason for extending mercy to him. The hon. gentleman reprobated those whose duty it was to see the law carried into effect. His true charge, however, was against those who superintended the present mode of transportation. He would believe all that the hon. gentleman had asserted that he himself had seen, but of the rest he should doubt. The charge was in a great degree against the punishment of transportation altogether. He did not think, that in the transportation of this individual any difference was made between him and others who had lately been transported. He was not aware of any variation in the construction of the ship, or in the accommodation on board, from what had been usual. The officer was one of the royal navy, and this seemed to promise improvement, rather than otherwise, in the accommodation on board. But then the hon. gentleman had seen the accommodation was not good, and this was charged upon the head of the department. Now, what did the hon. gentleman say on this subject? Why, that a complaint having been forwarded to lord Sidmouth, he immediately sent down a gentleman who had been most deservedly praised, and who was at present the superintendant of the Hulks. This gentleman found many of the allegations contained in the statements of Dr. Halloran unfounded. The situation of that person himself turned out to be different from what he had represented it to be. As to the horrible circumstance which had been alluded to, it turned out to be utterly impossible for the crime described to have been committed at the time, and in the situation pointed out in the petition. It was clear that it was the object of this person, nay, he might add, of the hon. gentleman himself, to prevent the punishment to which he had been sentenced from being inflicted. For this, the statement of his ill-health, and then that of the abominable transaction before mentioned, had been sent forth, and both had proved to be false. If Mr. Capper had had any doubt on the subject, an inquiry would immediately have been instituted; but as it was found that it was not probable nor possible that the assertion of Dr. Halloran could be true, the matter went no farther. He doubted not that a threat had been held out by this person to those appointed to carry his sentence into execution.—"I have a gentleman in the House of Commons who will not let this punishment be inflicted." Personal threats, too, had been held out to the captain of what should happen to him if he did that which it might become his duty to do. If any restraint should be imposed upon him on the voyage, it would not be because there was a disposition to treat him with severity; but because his conduct, from his being encouraged to hope that by repeated complaints he might get the ship stopped and his situation made less irksome, might make some farther restrictions necessary. As to the ships, they were of the usual size. When a comparison was made between these and the slave ships, it ought to be remem-

bered, that no small addition was made to the horrors of the poor African's situation, from the circumstance of his being chained down to his birth during the whole of his voyage. Any system of transportation must subject the convicts to certain privations. If it was contended that these ought not to be experienced by a gentleman, who had not been used to any thing of the kind, it would follow, that the punishment of transportation ought only to be reserved for offenders of the lower classes, and that persons in a better situation of life, whatever their crimes, ought not to be punished in that way. At present no *primâ facie* case of hardship was made out. He did not say the petition, when read, would not prove the case one that would call upon the House to inquire minutely into its merits, but at present nothing appeared to prove that Dr. Halloran had been improperly treated. If the noble lord at the head of the home department deserved, as the hon. gentleman seemed to think, the censure of the House, let it be passed against him; but let it not in the first instance be supposed that he must be guilty, because he stood in a responsible situation, which made it his duty to see the law executed. The hon. gentleman was ever on the alert to collect such charges. No person was in Newgate who could not, and he might almost say who did not, correspond with the hon. gentleman. On board the Hulks he had met with a person whom he had known before in Newgate. Making in this way an extensive acquaintance, he took up every case that was imposed on him, and spared no pains to support it, and make it appear entitled to attention.

Lord *Glerawley* said, that nothing had fallen from the right hon. gentleman, that could at all meet the charge of the hon. member for Shrewsbury. It should be impressed on the consideration of the House, that every convict sent to Botany Bay, stood the country in 80*l*. After the shocking treatment of the unhappy convicts, described by the hon. gentleman, which had not been denied, he thought it was the bounden duty of the House to take up the subject, and to remedy so shocking a practice.

Mr. *Clive* said, he did not doubt the correctness of the statements which the hon. member had made from his own actual observation, and was ready to admit that he had taken the measure of the apartments accurately enough. He could assure the House, however, that great care had been taken by the navy board to provide for the safety and comfort of the unfortunate convicts. Of one ship which sailed from this country last year with 300 convicts, only two persons had perished during the whole voyage; and, in another instance, out of 250, one had swam away, and two had died. The general average of deaths did not exceed two out of every hundred.

Sir *James Mackintosh* said, that not being acquainted, further than what he had heard in the House, with the nature or particulars of the case then under consideration, he would not enter at any length on the subject; but he could not help observing, as had already been justly remarked by the hon. member under the gallery, that the most important facts in the petition had neither been contradicted nor explained, but had been passed over in total silence by the right hon. gentleman, as if they had nothing to do with the question. The right hon. gentleman who now stood forward as the advocate of the noble secretary of state for the home department, could not deny the facts that had been stated to the House; and not only those, but others connected with a ship that lately sailed from this country to Botany Bay. An inquiry, it was true, was now to be instituted, as the House was told; but that inquiry should have been made long ago. The question of our penal code, as relating to prison abuses, long the subject of complaint, had lately been brought home to the feelings of every man in the country, by a work* written by an honourable member of that House, so full of profound information, of such great ability, of such chaste and commanding eloquence, as to give that House and the country a firm assurance, that its author could not embark in any undertaking which would not reflect equal credit upon himself and the object of his labours. [Hear, hear]. At a time, when an inquiry was about to be proposed by the government into the state and discipline of prisons on land, it seemed to him a matter of astonishment that an effort should be made to stifle inquiry, and to pass over in utter silence, the state of the transport vessels as a matter unworthy the attention of the House. Thus, whilst prisons on

* Mr. Fowell Buxton's "Inquiry whether Crime and Misery are produced or prevented by our present system of Prison Discipline."

shore were to be inquired into, and he hoped reformed, prisons at sea—for such he would call the convict ships—were to be passed over without inquiry, without notice, though the cries of the sufferers appealed to every humane feeling of man. Surely, if government meant to interfere in one instance, they could not refuse inquiry and redress in the other; for the miseries of the wretched beings were not more acute, or more severe on land, than they were on sea. The statement of his hon. friend—a statement which must have distressed the feelings of every man who heard it—had not been contradicted; and as to the case of the individual whose petition was now before the House, the right hon. gentleman had contented himself with attacking the character of that individual. He was then, it seemed, punished, not for the crime of which he had been found guilty, but he had been punished on suspicion of a bad character; if he had not laboured under this suspicion, it was clear he never would have been transported to Botany Bay—he would not have been sent to associate with the lowest and most wretched of mankind—he would not endure the hardships and the sufferings attendant on a voyage to that place.—He would now observe on another subject, but it was one which was closely connected with the question before the House. He had long felt and lamented the imperfect state of our penal code: it cried aloud for amendment; and it was his intention to have made a distinct proposition to the House on the subject. He was, however, prevented from doing so, finding that notice had been given of an intention to institute an inquiry, on the part of ministers. He had, therefore, hoped, that the question would have been taken up on an enlarged principle; he had hoped that ministers intended to perform that duty which they owed to the country, by considering, on an enlarged and extensive scale the present system of punishment. He had hoped that the alarming increase of crime—that the lessons of experience, that the example of every other country, would have induced government to consider whether the present mode was a wise one. But if he had been rightly informed of what had passed in the House before he entered it this evening, he feared there was not much reason for entertaining those hopes. He understood it was the intention of a noble lord, now absent, to propose the subject to the consideration of the House; but from the observation of the right hon. gentleman on the other side, he must conclude that this great question—this question that pressed so heavily upon the feelings of the country—this question, upon whose side humanity had enlisted so many advocates—was not to have the benefit of a distinct inquiry, but was to be made a kind of incidental appendage to the inquiry on the state of the prisons. He felt that nothing could result from that mode but disappointment and delusion. He was impressed with the magnitude of the subject; he felt that it demanded a separate and solemn inquiry; the country looked for it; and if he did not receive a satisfactory answer, he should not think that he had discharged his duty if he did not bring the general question of our penal code under the immediate attention of parliament.

Mr. *Lawson* was anxious to make a few observations on what had been said. The hon. and learned gentleman, who spoke last, had asked, why, when there was such a strong feeling throughout the country in favour of a reformation in the construction and discipline of prisons, the reformation was not to be extended to gaols at sea? But there was this material difference between gaols on land and gaols at sea—that in gaols on land many innocent men might be confined, but in those at sea none but the guilty were confined. In the same manner, the hon. gentleman who opened the subject, had mistaken the cause of the indignation at the treatment of the persons confined in slave ships. The reason why people sympathised with the slaves was, not the nature of the punishment, but because they were innocent. But what analogy could there be between the case of innocent persons and convicts? Why were such cases compared unless it were to excite impressions which, though favourable to the criminal, would only tend to lessen the terrors of the law? If the punishment of death was to be abolished for certain offences, or rendered less terrific, recourse should certainly be had to that punishment, which in point of severity was the next. Generally speaking, in this country transportation was so cosidered, but would gentlemen deem it prudent, that that also should be abolished — that punishment altogether should be at an end? Disgusting pictures of a prison, either on sea or land, were very easily to be drawn; but he would

ask, if the sea was so very terrible as gentlemen opposite represented it, why did great and noble lords leave their splendid mansions for a watering place? Why did they undergo all the difficulties presented by narrow staircases and confined rooms, if the freshness of the breeze and the excellence of the air did not invite them? In his passage from Dover to Calais, he had witnessed scenes quite as gross as any mentioned by the hon. gentleman opposite, although he had committed no sin—of course, he excepted original sin [A laugh]. He thought the hon. and learned gentleman who spoke last had badly replied to the observations of the right hon. gentleman respecting the character of Dr. Halloran, in what he said as to his being punished for previous bad character, and not for his crime. Judge Buller used to punish with more severity a man who had a good character; the circumstance of the good character being a great reason why he ought not to have forfeited that good character. But now we thought differently. Why was such power given by the legislature, not to the judges only, but to common country magistrates, of inflicting various degrees of punishment for the same offence, except that character was to be taken into consideration. And this was a great guard to virtue: it made a man not consider a particular crime only, but his whole conduct; as that would be taken into consideration, if he should be found guilty of any crime. He had only to observe, if death was to be laid aside for a less severe punishment, that of transportation—if transportation was to be rendered not severe, it might induce people of slender incomes, whose situations were not very comfortable at home, to desire such a means of removal to another country. To such persons transportation would be a benefit, and a source of joy. He had spoken to some of those persons who were preparing for a journey to Portsmouth, and they had very facetiously informed him, that while the great and affluent were visiting foreign countries at considerable cost, they were about to take a very interesting tour at the king's expense. As to the charge which had just been made against the noble secretary for the home department, he could not think it at all made out, or believe it for a moment, especially when he considered the many unfounded attacks which had been so frequently made against that noble lord.

Mr. *Buxton* observed, that he was sorry at what had fallen from the hon. gentleman who had just sat down. The hon. gentleman seemed to him to make no distinction between a trip to Botany Bay and one to Brighton, and had treated a subject of very serious import with a degree of levity which he must term indelicate, if not indecent. The question was one of the last importance—one that must excite the interest of every man who had an understanding to comprehend, or a heart to feel for human misery. His hon. friend had brought forward certain charges; and how were they met?—not by a denial of those charges, but by saying, indeed, that Dr. O'Halloran had a bad character—as if the character of Dr. O'Halloran was to be a bar against inquiry. It had been asserted, that the regulations with regard to convict ships were now precisely what they always had been. Every inquiry should be made on so important a subject; for the House could not be better occupied than in attending to the amelioration of our penal code.

Mr. *Lawson* said, that he had not mentioned Brighton. His object was to state, that passengers between Dover and Calais were exposed to sea miseries, as well as those who were transported from Portsmouth to Botany Bay.

Mr. *D. W. Harvey* said, that he should, at any time, have felt considerable difficulty in offering himself to the notice of that House, and have deemed an apology as absolutely necessary; but he now felt it doubly more so, when a question of such commanding interest was the topic of discussion. He regretted that the hon. gentleman should have expended so much sophistry, and misapplied hilarity, when the interests of suffering humanity were the subjects before the House. The hon. gentleman seemed quite pleased with himself at the notable discovery which he had made, and the admirable distinctions he had drawn, between marine and land prisons. But the hon. gentleman at the same time forgot another very obvious distinction, namely, that although all persons confined in sea prisons had been previously convicted of some crime, still that all such persons were not equally guilty, nor under an equal sentence,—some being only for seven years, whilst others were for the term of their natural lives. Different degrees of punishment should be admeasured to different shades

and species of crime, if punishment were at all meant to be beneficial in its operation. Desirous as he always felt to aid the wretched, and amend if possible their condition, he could not avoid making these few remarks on a speech which was delivered in a strain of jocularity ill suited to the occasion.

Mr. *Robinson* admitted the gravity and importance of the subject, but he thought it had been brought before the House in a manner extremely inconvenient, and extremely unlikely to lead to any useful result. The subject of transportation was deserving of attention, and four or five years ago it had been brought before the House and examined before a committee. He did not see why this subject should not, if the committee to be moved for by his noble friend should be appointed, come before that committee as a matter of course: he therefore objected to the manner in which the subject was now introduced, as being neither the most convenient, nor the best calculated to produce any beneficial result.

Mr. *Bennet* said:—Sir; before the petition be given in, I have one or two words to say. My hon. friend who spoke last is not correct if he supposes that I touched on the subject of the law respecting transportation. I did not even allude to it. I heard, some years since, of the state of transport ships; I made an attempt to get on board one, and failed; but on the ship so often alluded to putting back, I embraced the opportunity, and at much personal inconvenience in coming down from the country, I at length got on board. I saw the situation of the vessel. I measured with my own hands, in this abode of vice and wretchedness, the spaces allotted for the unhappy sufferers. I made it my peculiar care, and I shall ever, I trust, be ready to lend my assistance to the unfortunate. I am not to be deterred from the path of duty even by the sneers of the right hon. gentleman opposite. It well becomes him—it well becomes the panegyrist of men who never take any pains to serve their fellow creatures—it well becomes the supporter of a government that never lent its aid to correct abuses. If they have latterly affected a disposition to look at matters that so long claimed their interference, it is not from choice—the public voice of the country cried aloud, and they have, I verily believe, taken up the subject for the mere purpose of taking it out of the hands of men who are honest and straight forward in their endeavours. Sir, I have been led away by the unbecoming sneers of the right hon. gentleman, which are more discreditable to the person who used them, than to the person to whom they were applied; and I thus notice it, to convince the right hon. gentleman that no blow shall be directed against me with impunity. Sir, my object in rising was, to state the facts which I am in possession of—to state that 300 human beings have been put into cribs five and a half feet long by six and a half feet broad, each crib containing six persons. I know not how others may feel, Sir, but I can never think of it without horror—I can never speak of it without shame; it has, however, been treated with considerable levity by an hon. gentleman on the other side of the House. It is strange how the relation of human sufferings can be treated as if it were a mere matter of joke. He has, Sir, thought fit to compare a trip to Calais to the sad journey of these unhappy convicts—as if the long dreary passage of six months, over stormy seas, in the manner I have attempted to describe, was to be compared to a two or three hours' sail from Dover to Calais. In that description I really see nothing to excite this unbecoming, I had almost said, this indecent gaiety. I am not the advocate of crime—but I wish to be the friend of the unfortunate; they are human beings like ourselves—and when they consider 300 of them confined, cooped up, penned in, I think the House will not hesitate to adopt such immediate steps as will remove a practice abhorrent to humanity, and disgraceful to the British name.

Mr. *Bathurst* observed, that he did not think it a very strong proof of the hon. gentleman's candour, to have praised the agent of the noble secretary, whilst he so seriously censured the head of the home department. The hon. gentleman had said, that ministers had taken no measures to improve the condition of the convicts, yet he had given credit to Mr. Capper for the best management of the hulks. To Mr. Capper that department had been entrusted by the noble secretary. When the agent was therefore entitled to credit, was there no credit due to the head of the department? Had the agent been guilty of neglect, would not the noble secretary have received all the blame?

Mr. *Brougham* said, that the right hon. gentleman had not denied the statement, that one foot six inches were allowed to a

black slave, and that the allowance to a convict was only one foot one inch.

Mr. *Bathurst* said, the question had come forward incidentally. It was impossible for him at present to state what the dimensions really were. It was not for want of attention that he had not noticed this subject, but because he had not the means of knowing what the circumstances were.

Mr. *Brougham* asked, whether the right hon. gentleman knew that this ship was fitted out exactly as other convict ships were?

Mr. *Bathurst* said, he had no reason to think otherwise. It was commanded by an officer in his majesty's service; that was all the general knowledge he had. He should endeavour to inform himself on the subject.

Mr. *F. Douglas* said, it had been stated by his hon. friend, that the space allotted to six individuals was five feet and a half by six feet and a half. That statement had not been denied; but the right hon. gentleman had apologized for the manner he had been obliged to answer. This showed exactly the state of the home department, where information could not be procured, even concerning the dreadful facts which had so deeply affected the House. Honourable testimony had been borne to the character of Mr. Capper: he was far from wishing to detract from it; but it appeared that he was sent down by the noble secretary of state to inquire into the state of the ships. Now, either he did report, or he did not; if he did, why was not the necessary information afforded to parliament? If he did not report, he had failed in the performance of his duty; but this, Mr. Douglas said, he was not to suppose from the character of the man. Then of course he did report; and we were to take it for granted, because it had not been denied, that three hundred human beings were penned up in the cabin of this transport, and that to every six of them was allotted a space of five and a half feet, by six and a half!

Sir *Isaac Coffin* animadverted, in very severe terms, on the system at present pursued as to the treatment of convicts on board ship during their passage. He had known convict ships sail for Botany Bay in such a crazy state, as made it hardly possible that they should reach the Cape of Good Hope in safety. It was an unquestionable fact that the surgeons of these ships were paid for landing the convicts alive. The prisoners were put on board these transports without being supplied with those necessaries which were usually considered indispensable to persons in that situation. Medical attendance, in some degree, was certainly supplied; but it was to be considered, that in many cases the administration of medicines must be of little avail, unless there was humanity and attention on the part of the captain.

Mr. *Bernal* rose to ask, whether the ship in question had yet sailed, or whether she remained at anchor in the Downs, or was on any other part of the English coast? For he conceived this to be a most important subject; and hoped to God that the members of that House would not sleep until they had taken such proceedings as would be most likely to procure the detention of the vessel. This was no party question. Common humanity required some interference, and he trusted every member of the House, if it should appear that the vessel had not yet sailed, would pause, and not only pause, but act in such manner as the urgency of the case required.

Mr. *Clive* said, that he believed the ship had sailed. From the latest accounts received by him, he was convinced that she must by this time have proceeded some way upon her voyage. As to what had been said of the treatment of convicts, he had only to observe, that this ship was fitted out and conducted in the same manner as every preceding ship.

The Petition was then read: It purported to be the petition of Laurence Halloran, doctor of divinity, and sat forth, "That the petitioner, after having devoted a large portion of his life to the service of his country, has in its decline been sentenced to seven years transportation on the sole charge of having defrauded the post office revenue of ten pence upwards of two years ago, by counterfeiting a frank; that this conviction is the first that has taken place under the statute, though by no means the first trespass that has been discovered against it by the officers of that department, as the petitioner is prepared to prove; that the petitioner has already suffered an imprisonment of six months, which has reduced himself and numerous young family to extreme indigence and distress, and which he humbly submits to the feelings of the House has been more than

an adequate punishment for the only offence that has been legally substantiated against him; that the petitioner, though in a state of severe indisposition, was forced from the Alonzo hospital ship at Woolwich, in an open boat, to the Baring transport at Purfleet, a distance of ten miles, on the 30th day of November last, to the imminent hazard of his life; and that on his arrival on board the Baring, though extremely exhausted and debilitated, he was locked up for nineteen hours without any kind of sustenance, in a prison cabin, twelve feet square, with a privy (used by a hundred and fifty convicts in the fore part of the ship) in one corner of it; that in a few days twenty other persons, eighteen of them in double irons, were consigned to the same dungeon, where they sleep in cribs, six feet and a half in breadth and five feet and a half in length, into each of which six persons are crowded; that the heat and stench arising from the compression of twenty-one human beings into so confined a space, and with so loathsome an appendage attached, are, even at this season, almost insupportable, and extremely injurious to health, and in a warmer climate must inevitably lead to the extinction of existence by lingering torture; that the petitioner, on the morning of Friday the 11th day of December 1818, clearly witnessed the commission of a detestable and unnatural crime by two of the depraved wretches with whom he has been associated, and who were afterwards distinctly identified by Mr. William Evison; that the petitioner considered it his duty to represent this abominable transaction to lord viscount Sidmouth, principal secretary of state for the home department, to I. H. Capper, esq. the superintendent of convicts, and to sir Nathaniel Conant, principal police magistrate of this country; but that, after the lapse of a month, no measures have yet been adopted for bringing the criminals to justice for this enormous and capital offence, but, on the contrary, the petitioner has been reproached and menaced in the most unmanly manner by Mr. John Lamb, the master of the convict ship, for doing what he felt to be his duty in making the disclosure; the petitioner therefore most humbly prays, that the House will be pleased to take the hardships of his case, and the severe sufferings he has already undergone for a trespass of (he hopes) no very serious complexion, into their candid consideration, and will act in the premises in such manner as to the wisdom and humanity of the House may appear most expedient for the relief of the petitioner from his present horrible situation."

Mr. *Bennet* said, it was highly desirable that the whole subject, connected with the state of the hulks, and the fitting-up of the convict ships, should be thoroughly investigated. He held it to be utterly impossible that any one committee could perform the duties which, it appeared, were to devolve on that, of the motion for the appointment of which, notice had been given. The duties were multifarious, the papers and documents that were to be examined exceedingly numerous, and the subject of so comprehensive a nature, as to demand a most minute scrutiny. He meant, therefore, on a future day, to give notice of a motion on the subject of transportation generally. Of Dr. Halloran he knew nothing; for him he cherished no particular feeling of compassion; but he was deeply interested for the miseries of those unhappy creatures who were suffering under the sentence of the law. If the ship in question had not sailed from the Downs, and it was probable that it had not, as he had received a letter from on board, on the 22nd, he hoped and trusted, that government would give immediate orders that she should be stopped.

The petition was ordered to lie on the table.

Bank Restriction.] The *Chancellor of the Exchequer* said, he had given notice that on an early day he should move for leave to bring in a bill to continue for a short period the restriction on cash payments. He had now, in consequence of a communication on Friday morning last, from the committee of directors of the Bank of England, been induced to take a different course, as he thought it necessary that the motion should be preceded by a committee of inquiry. This motion he should bring forward after the motion of the right hon. gentleman opposite. The committee he should propose would be one of secrecy, which would select from the information which would be submitted to it, such as could without detriment be laid before the House.

Mr. *Tierney* congratulated the House that any kind of inquiry had been agreed to by the chancellor of the exchequer, as

he should now have the pleasure of seeing those who would have most sturdily voted against all inquiry if he had proposed it, as cheerfully voting for it. He should persevere, however, in his motion, as he suspected some trick was in contemplation, that the proposal was extorted from the fears of a weak administration, and that the inquiry, managed as it was to be, by a secret committee, would be of no service to the country.

HOUSE OF LORDS.

Tuesday, January 26.

Care of His Majesty's Person Bill.] On the order of the day for the second reading of the bill,

Lord *Holland* observed, that he had not yesterday thought it necessary to make any observations on this measure, as explained by the noble secretary of state, nor, as he understood it now, had he any very strong objection to urge against it. Since he had come down to the House, he had, however, perused the bill, and there was a part of it, which, for the sake of propriety and consistency in their lordships' proceedings, required in his mind some consideration. He was perfectly willing to acknowledge, on the ground of parliament having recognized the principle, whether right or wrong, that the care of the king's person should be separated from the executive government, that the trust could not be better disposed of than it was by this bill. But, besides the separation of the trust, the bill involved another principle, which had, when the question was before discussed, been the subject of much objection with many noble lords: he meant the establishment of an *imperium in imperio*, by giving to the person who had the care of the king's person an extensive patronage. It was then strongly contended, that no patronage ought to accompany the trust, and that all the appointments should be made by the executive government. With respect to this point, some explanation was necessary; for it appeared that their lordships were now not only called upon to recognize this principle, but were left without any information as to the extent to which it might be carried. What offices it was intended to continue on the Windsor establishment, and who the persons were by whom those offices were to be filled, did not appear; but it appeared on the face of the bill, that the duke of York was to have the power of nomination and removal, with respect to all offices on that establishment, with the same exceptions which existed in the case of the queen, and which he thought were very properly made. It was, perhaps, intended that the measure for fixing the establishment should originate in another place; but he thought that their lordships ought not to pass the present bill, until they ascertained the nature of the patronage which was to be vested in the duke of York. He had no objection to the object of the bill, but wished, for the sake of regularity in their lordships' proceedings, that some explanation should be given on the point to which he had alluded.

The Earl of *Liverpool* said, he had no objection to give the explanation which the noble lord required. The noble lord had observed, that though it might be a question, whether it was expedient to vest the executive government and the care of the king's person in one individual, yet that the principle of separation being recognized by parliament, he thought the duke of York a very proper person for the trust proposed to be vested in his Royal Highness by this bill. Now, if this was the view which the noble lord took of the subject—if the appointment made by the bill appeared proper—it seemed that the conclusion to be drawn was, that all the patronage, be it more or less, which belonged to the office, ought to be vested in the individual named in the bill, who must have the superintendence of the establishment. The question of the extent of the establishment was at present not before their lordships; but he had no difficulty in saying, that it was under consideration, and would soon be the subject of a proposition in another place. It was intended, that the establishment should undergo a reduction, and the proposition which was to be made would be founded on a principle of reduction; but as to the details of that reduction, they had no connexion with the present bill. They would come first before the other House, and would, in the usual course of business, be brought under the consideration of their lordships. In the mean time, all that he contended for was, that whatever that establishment might be, it ought, if their lordships agreed to the present bill, to be placed under the control of the duke of York.

Lord *Holland* said, he could not accede

to the principle so broadly laid down by the noble secretary of state, that all the patronage of the establishment ought to be vested in the person to whom the care of the king's person was intrusted. That principle had not been sanctioned by parliament: indeed, precisely an opposite principle had been established, by vesting patronage in others, as appeared from the cases which had been expressly excepted. With regard to the extent of the establishment, he was one of those who never thought its maintenance proper, and it would be for the noble lord hereafter to explain how it happened that reductions which could be made in 1819 were totally impracticable in 1818. One set of persons might think it right that the care of the king's person should be separated from the executive government; another might be of opinion that this was not right; others again, who thought the separation right, might still desire that all the patronage should be vested in the executive government. If it should be the opinion of their lordships that an establishment ought to be maintained for the purposes of splendor or comfort, the question whether the whole patronage of that establishment ought to be vested in the hands of the individual to whom the care of the king's person was intrusted, ought still to remain open to their consideration. Here, however, they were pledging themselves to the affirmative of that question, by directly recognizing the principle, that the whole patronage was to be vested in the duke of York. It certainly was not probable, supposing the nature of the establishment to be such as he could approve, that he should object to the patronage being in the hands of his Royal Highness; but he objected to the course taken with respect to the present bill, that it was an irregular and inconvenient mode of proceeding. Was it regular, before their lordships were informed what the nature of the establishment was to be, to determine that, great or small, the patronage should all be vested in one individual? He thought it would be much better to expunge the clause which contained this provision, and insert it in the other measure which was to originate elsewhere. Their lordships would then have the opportunity of considering both the principle and its application, when the other bill should come before them.

The Earl of *Liverpool* conceived that the noble lord had taken an erroneous view of the subject, if he supposed that any new question could now arise. No difficulty could possibly arise with respect to the nature of the establishment in contemplation, as it could not in any case extend beyond that which was now in existence. If, therefore, the noble lord was prepared to say that he had no objection to the individual named in the bill having a certain patronage, he already knew the full extent to which that patronage could be carried. If it should be the opinion of parliament to appoint the duke of York, he thought that the same powers which had been vested in her majesty, as *custos personæ*, should devolve on his Royal Highness. The noble lord had observed, that it might still be a question, whether the patronage of the establishment ought not to be vested in the executive government; but that question had been determined when the act on which this bill was founded passed. He presumed that their lordships had not changed their opinion on that subject. At any rate, the objection of the noble lord was not well founded, since he already knew the full extent of the establishment, and had been informed that a reduction was to be proposed. Whatever change it might undergo would only have the effect of making it less, and thereby rendering it more consistent with the views which the noble lord entertained on the subject.

The bill was then read a second time.

HOUSE OF COMMONS.

Tuesday, January 26.

BANK OF ENGLAND.] Mr. *Grenfell* said, he had often addressed the House on the subject to which he was about to allude—a subject of deep interest, and one which demanded all the wisdom of the House. Notices had been given of different motions since the opening of the session, connected with the question he was about to submit to their consideration. The first was from his right hon. friend (Mr. Tierney), the second from the right hon. the chancellor of the exchequer; and notice had been given by an hon. and learned friend of his (sir J. Mackintosh), on the subject of the fabrication of bank notes—an inquiry of deep public interest in every way that it could be considered—interesting as it affected national credit, and doubly interesting as it affected the happiness, the character, and the morals of the people. It would

be of course extremely ill-timed in him to enter into a subject which happily was in the hands of men so capable of treating it with superior knowledge and ability: it was not his intention. The only object he had in view in calling the attention of parliament to the subject was, to show that the corporation of the Bank of England had, during a period of twenty-two years, accumulated an enormous mass of wealth at the expense of the public, without the performance of any public service that could entitle them to that exclusive benefit—that they had accumulated wealth during a shorter period, and to a greater amount, than any body of men had been ever able to do, in any banking or commercial country, since banking or commerce had been established in the world. The first great benefit this corporation enjoyed flowed directly from the Bank Restriction bill, an act which was first passed in the year 1797, and from that period down to the present, the Bank had been relieved from the necessity of paying in cash, and had therefore been exonerated from the performance of its pecuniary engagements. For twenty-two years, twenty-four merchants of the city of London, as the directors of this corporation, had, without check and without control, the unlimited power of issuing a forced paper currency on the country, for their own exclusive benefit. The public did not participate in any way in the advantage derived from this establishment; and this corporation, uncontrolled and unlimited, had the power of issuing notes to any amount, without any expense to them but the trifling expense of paper and the payment of their clerks. There was, he should add, one other item in their expenditure—one, he supposed, of considerable amount, from the frequency of the case—he meant the numerous prosecutions carried on by the Bank, from one extremity of the kingdom to the other, against those unhappy wretches who were almost every hour brought to the bar of criminal justice, on the charge of forging notes. This practice had of late years been carried to so alarming an extent, as to call forth, from every quarter, the loudest murmurs of disapprobation—it forced itself upon the attention of parliament, and demanded an immediate inquiry.—The next great source of profit and advantage to the Bank was the enormous extortions which they had committed in their various contracts with the government. By means of their exclusive credit, the corporation of the Bank had been enabled to meet the wants of the minister, but they had done so on terms enormous and highly injurious to the country. These matters, he said, had been frequently mentioned—they have been met on the part of the Bank, sometimes by assertion, often in silence, and never by disproof. He concluded by moving for—1. "Accounts of the total weekly amount of Bank notes and Bank post bills in circulation, from the 1st Jan. 1818, to the 25th Jan. 1819. 2. Of the amount of Bank notes in circulation on the 7th and 12th of each month, from Jan. 1818, to Jan. 1819, both inclusive. 3. Of the highest and lowest aggregate amount of bank notes, including those of every kind, at any one time in circulation from the 1st Jan. 1818, to the 25th of Jan. 1819, both days inclusive. 4. Of the weekly amount of bank notes in circulation of the value of 5*l.* and less, from the 1st Jan. 1818, to the 25th of Jan. 1819, both inclusive. 5. Of the market prices of standard gold in bars, of Portugal gold in coin, standard silver in bars, and Spanish dollars, or pillar pieces of eight, with the course of exchange with Hamburgh, Lisbon, and Paris, from the 1st Jan. 1818, to the 25th Jan. 1819. 6. Of the balances of cash in the hands of the Bank of England, on the 1st and 15th days of each month between the 1st Jan. and 15th December, 1818, inclusive, resulting from payments under the head of customs, and of all other branches of the public revenue, stating the average balances of the year, made up from the said days. 7. Of the balances of cash in the hands of the Bank of England, on the 1st and 15th days of each month, between the 1st Jan. and 15th Dec. 1818, inclusive, resulting from the postmaster-general's account with the Bank, stating the average balance of the year, made up from the said days. 8. Of the balances of cash in the hands of the Bank of England on the 1st and 15th days of each month between the 1st Jan. and 15th Dec. 1818, inclusive belonging to the different departments of the government, including the balances of the accountant-general of the court of chancery, and stating the average balance of the year, made up from the said days. 9. Of all other public balances not particularly specified in the three preceding accounts with the bank of England on the 1st Jan. 1819;

distinguishing the amount under each head respectively, and stating the aggregate amount of the whole. 10. Of the total amount of unclaimed dividends, including lottery prizes, in the hands of the Bank on the 1st and 15th days of every month in the year 1818 inclusive. 11. Of the Exchequer bills and Bank notes deposited by the governor and company of the bank of England, as cash, in the chests of the four tellers of his majesty's receipt of exchequer, on the 2nd Jan. 1818, and on every 28th day subsequent to that period, down to the 1st Jan. 1819; distinguishing the amount of all such Bank of England notes as exceeded in value 1,000*l.* each, known at the Exchequer under the title of special notes, and stating the average balances of the year, made up from the said days. 12. Of all allowances made by the public, to the Bank, or charged by the Bank against the public, exclusive of the charge for the management of the public debt, for transacting any public service in the year 1818; describing the nature of the services, and the amount charged thereon in the said year, and including the sums paid to the Bank under the denomination of Charges of Management. 13. Of the advances made by the Bank of England to government on land and malt exchequer bills, and all other securities, on the 10th Jan. 10th April, 10th July, and 10th Oct. 1818, and on the 10th Jan. 1819."

The *Chancellor of the Exchequer* said, that it was not his intention to object to the production of the accounts. The information they contained might be usefully laid before the House, preparatory to the discussion which was to take place. With regard to the hon. gentleman's comments, and the justness of the inferences which he had drawn, a better opportunity would soon present itself for the consideration of them.

The motions were then agreed to.

COMMITTEE OF SUPPLY.] The Chancellor of the Exchequer having moved the order of the day for the house resolving itself into a Committee of Supply,

Sir *Robert Wilson* rose, and addressed the house nearly as follows:—An imperative sense of duty could alone prevail over a variety of personal considerations, and those feelings which a new member must suffer from, who presumes to address, for the first time, a house so replete with talent. I must, therefore, throw myself on the favour of the house, and trust it will extend that indulgence to me which it has so kindly granted to others whose abilities stood so much less in need of it. —I am afraid that I shall not obtain the approbation of many of my own friends, and certainly shall incur the severe animadversion of those who, knowing the state of public credit and the dangers of our paper system, still seek to protract the evil day till they may be beyond the reach of its consequences—a conduct the more criminal, as they know the catastrophe must be augmented by the protraction.—I do not, Sir, pretend to discuss the subject of finance, as a professor of arithmetic—I am little versed in that branch of mathematics; nor do I presume to be a political economist—I have read, like most members of the house, many of the best writers on that subject, and particularly the work of a member of this house, which is stated to be, by competent judges, the most intelligent that has appeared; but, Sir, my studies have been chiefly directed to those statistical tables which represent real life—to the books of the poor-rates, lists of bankrupts, offenders, debtors, original population, and generally to that aggregate catalogue of distress, crime, and discontent which pervades this country, notwithstanding this house has been assured by ministers, that the country was enjoying "a repose of calm and peaceful joy and gladness," language which must be felt by the community to be the language of mockery. Those studies have assured me, that the people can no longer pay the taxes imposed on them for the current expenses of our establishments, and the interest of that 800,000 millions of debt which has been well said elsewhere, represented property we once had, not property we now possess: That they cannot pay that interest for which their industry has been mortgaged, and not only their industry, but that of their children's children, to the latest period of this country's existence under the present system,—a mortgage so severe, that every thirty years, above 1,300 millions must be raised from the people, without reducing the original debt one single shilling. I know it will be said, that much of that money will return to the country, and revolve so as to afford employment and subsistence to the labourer; and so it will; but there is a great difference between the income

which flows direct from original sources through natural channels, and that which passes through the absorbing strainers of government. There are some who will say, that if the taxes be reduced, wages will fall in proportion; but our own history, and what is passing before our eyes in France and America, show that the condition of the people is improved in the proportion that taxes are lightened, and fiscal laws do not interfere with the settlement of natural prices. In one case, the body politic presents a cheerful healthy appearance, full of all the energies of life; in the other, a body weak and emaciated, with diseased and swoln limbs. Adam Smith has said, that a country was poor or rich, as the community enjoyed amusements, comforts, and the necessaries of life. How poor then must be this country, where the poor cannot, by their industry, command even subsistence, as is proved by the eight millions of annual poor-rates levied for their additional support. Another writer, who has illuminated the obscurity of the Middle Ages, by the lights of philosophy and truth, and conferred honour on the present by the spirit of freedom and benevolence which is diffused through his work, acknowledges that he is obliged to draw the painful conclusion of the actual poor being in a deteriorated condition. He ascribes partly this deterioration to an increase of population, and a disproportionate increase of the fruits of the earth; but many pretend that agriculture and population have kept due proportions, and that at all events, the effect could be but partial. Another writer, whom I have no right to panegyrize, has indeed been the true prophet. He has seen years ago through a finance telescope events which were not anticipated by others. My own conviction, then, is, that the present ministers have brought the country into that state, as not to make it an object, whether the Bank can pay or not in cash the notes which it has issued on its own account, but how the insolvency of the country can best be met without ruin to every capitalist, and danger to all the existing institutions of the country. My own belief is, that all capitalists of every description must consent to great sacrifices; but God forbid these sacrifices should be made whilst those men were administering our affairs, who brought this country into this state of calamity! Who but a madman or an idiot would pay the debts of a professed gambler or spendthrift, to prevent further embarrassment? Why, if these ministers could make more loans in consequence of re-established public credit, the whole system of profligate expenditure would be revived. We should see an armament sent to America, not to redress presumed outrages against justice, but to extirpate republican establishments,—another sent to India, not to take a single rood of ground in a country where we never showed a spirit of aggrandizement, usurpation, or avarice, but to subdue all independent states, collect all revenues, and occupy all territory between the Indus and the Caspian;—another army would be sent to France to teach a moral lesson to the French ministers for baffling the plans and rejecting the catechism of the holy alliance; and if Europe, Asia, Africa, and America did not provide employment enough for our men and money, our enterprising navigators might then have discovered some territories in the Polar Basin to be manured with our blood and treasure. But even if those honourable friends of mine were in office, who gave the splendid example of resigning place and emolument, rather than abandon or coquette with a measure of great vital interest; who, had they remained in office, would have saved the country from many annual millions of taxes, for which military glory is but a sorry compensation; for what nation, civilized or barbarous, has not had that day of glory? and which carried to excess has not been ruined by it? If those men were in office, who would have saved the country from unconstitutional alien bills lawlessly enforced, from infamous suspension bills, and no less infamous indemnity bills, from spies and informers, and the disgrace of having them eulogized in this house and acknowledged as associated partners of the government;—who, in short, would have saved it from all the acts which ministers have criminally done, and criminally left undone—not even to these hon. gentlemen would I give, or rather leave, the power of mortgaging the people's industry, by making previously great sacrifices, to restore public credit. These sacrifices should only be made when there was the security of a reformed parliament; a parliament, the duration of which should not exceed the duration of that term prescribed by the Revolution of 1688—a parliament reconstructed by a national extension of the elective franchise; which should not present the serio-comic scene

which was exhibited in this House, when the members of a certain county were summoned to the table—which should restore to Scotland the rights and advantages of the representative system, and by diminution of election expenses and other regulations, should, in the fair legal sense of the term, be a full and free representation of the people. I shall, however, vote for the proposed motion of my right hon. friend, when it is brought forward; for I think inquiry is useful, and that the public not only expects it, but have a right to demand it. I also wish as early as possible to see a remedy applied to that paper system which impoverishes the people, generates crime, and is to be as it appears maintained by pernicious examples of sanguinary punishment, notwithstanding the adverse feeling of the nation; and in which feeling I must affirm, after the letter read in this house the first day of the session, the regent himself participated. I shall however not oppose the supplies; I have no wish to embarrass his majesty's government by that measure. I only hope some member better qualified will take up the subject I have brought to the notice of the house.

Lord *Glerawley* said, he did not rise to quarrel with the hon. knight for the expression of his political sentiments, though he must dissent from his statement of what he called facts. The hon. knight asserted, the amount of the national debt to be eight hundred millions. In making this calculation he seemed entirely to have forgotten, that the redeemed part had reduced the debt to five or six hundred millions. The hon. member wished most unfairly to throw an odium and a burthen on government which they had no right to be called upon to bear. How was it possible for them to avoid the expenditure which was complained of, when they were imperatively called upon to make those great exertions, which had ultimately established the glory of the country and the peace of the world? Had the income tax been continued a few years longer, the embarrassments now so loudly declaimed against, would have been by this time put upon a different footing.

The house then resolved itself into a Committee of Supply.

Dr. Halloran's Petition—State of Convict Ships.] Sir *T. B. Martin* expressed his regret that he was not present last night, when an hon. member opposite had presented a petition from a certain convict, styled doctor O'Halloran. The statements in that petition, and in the speech of the hon. member who presented it, had, he understood made a great impression upon the House, and he hoped that, as being at the head of the department of the transport board that regulated the vessels in which convicts were embarked, he would be allowed that opportunity of removing the wrong impression which he understood was made on the House last night. The hon. gentleman had animadverted with great force upon the mortality which he described as characterising the mode in which convicts were conveyed to Botany Bay. Now, so far from this being the fact, he held in his hand a document, which altogether refuted this statement, and he remembered, long before the last convicts were shipped, to have mentioned the fact to lord Melville, with much satisfaction, as it redounded to the credit of the whole arrangements under the superintendence of his own board. Since the 1st of January, 1816, 6,409 convicts had been shipped, and of this number only 53 had died on the passage; the mortality was, therefore, only at the rate of one in 112. If, as the hon. gentleman had stated, the convicts were stowed and crowded together in the most noxious and unwholesome manner, was it likely that such a state of health would have been preserved as the statement he had made verified? The hon. member had also said, that six convicts were crammed into a space of six feet in breadth for their sleeping birth. This was not the fact; for the space allotted for the convicts sleeping birth was equal in breadth, for each man to that assigned to the sailor, or soldier on board the same vessel. It was, in fact, larger than that allowed to men in his majesty's service. He had himself, when at sea, been very well satisfied with the same breadth, and he had two sons now who made no complaint of having no greater sleeping room allowed them. There were men who had been forty-five years at sea, who never had a greater space to lie in, and who yet enjoyed excellent health. He would now read the recent returns of the arrivals in Botany Bay, which would set the hon. gentleman's statement of mortality in the convict ships at rest:—In the Fame transport, with 200 convicts, only two had died; in the Bensley, 200 convicts, none died,

and all arrived in excellent health; in the lord Melville, 102 convicts, three had died, and the convicts on their arrival gave a public acknowledgment of the humane and excellent treatment they had received on the voyage; the Shipley, 125 convicts, none died: the Armourer, 180 convicts, none died; the Larkins, 250 convicts, two died; the Lady Castlereagh, 300 convicts, none died; the Batavia, 219 convicts, one died; the Neptune, 286 convicts, none died; the Baring, 300 convicts, one died. He called on the House to recollect that it was of this last ship, when preparing for her present voyage, that the hon. member had spoken. She was now commanded by the same officers and surgeon, as on her former voyage, and he believed there never were men of more humane dispositions. The surgeon, Dr. Reid, had been continued in the ship, at the recommendation of sir R. Keats, in consequence of his acknowledged skill and humanity. These were facts, and he trusted they furnished a satisfactory answer to the hon. gentleman's statements, who seemed to have taken his information from the convicts without refering to any of the officers for a corroboration of what he had heard.

Mr. *Bennet* said, that after what had fallen from the hon. gentleman, he hoped he would receive the indulgence of the house, while he clearly and distinctly stated the authority on which he had given his statement last night. He lately went down to visit the two transports then about to sail with convicts. In one of them he understood there were 300 men; in the other 440. He went on board one of them in consequence of a communication from Dr. O'Halloran. The place in which he saw the doctor was 12 feet square, and 21 persons, he was told, were stowed in it. He saw three persons lying in one of the cribs which he had described, and they told him that three others were also crammed into the same sleeping place. Three men, who stood by, avowed that they were the persons who slept in this contracted space. He was glad, indeed, to find that this information was not correct: but he was told he should have gone to the captain for information; he meant to have had the statement of the captain, in the presence of the convicts, but the bustle of getting water on deck and preparing for sea, prevented his having the means of procuring information from that source. He had complained to the captain of the offensive and noxious state of the lower part of the vessel in which such a number of poor wretches were confined, and the captain informed him, that as soon as he got to sea, he would have the means of cleansing that part of the ship from the filth which covered it. The captain implored him not to leave the ship under the impression that the convicts alone were crowded to excess, "Go," said he, "into my cabin, and see how we are crowded—go to where the passengers are placed, and see how they fare—go among the sailors and soldiers, and see if they are not as bad off as the rest." This showed the crowded state of the vessel, and the consequent sufferings which poor wretches must endure, who were unused to a sea life. What he had said last night, respecting the mortality on board the Surrey, remained uncontradicted. She had lost 50 (one fourth of her number) in crossing the line. It was said, that these unfortunate men had the same space allotted to them as the soldiers and the sailors, but was there not this difference in the situation of these parties that the soldiers and sailors could go up at night on deck, to avoid the inconvenience below, in warm latitudes? The wretched convict could claim no such indulgence, but must remain in the crowd below, exposed to all the sufferings of such a situation. He was not surprised to hear that men in such a situation, rushed in despair upon death, in the attempt to extricate themselves from so cruel a bondage. He had been himself, when in the army, on board a transport in a warm latitude, and he could feel what must be the situation of beings, who had no alternative but to remain locked up below, inhaling the effluvia of such a situation. For his own part he had only to say, that in this, or any other transaction of a similar kind, in which he took a part, heaven knew he had no other object upon earth, in publicly mentioning the circumstance, than an earnest desire to expose and prevent the infliction of unnecessary cruelty. He never had or could have, but one object, and that was to attempt, so far as in the short life of man could be attempted, to diminish the sum of human misery. [Loud cries of "Hear, hear!"]

Sir *T. B. Martin* observed, that half a ton more than was usually allowed to soldiers and sailors, was allowed to convicts,

in the arrangements as to their conveyance, in order that their accommodation might be attended to. There were means of ventilation also adopted; and he begged leave to read an extract from one of the last letters which had been received from Botany Bay. The extract went in fact to state, the grateful acknowledgments of some of the convicts to their captain for his unwearied assiduity to their comforts, and the peculiar concern which had been manifested towards their health.

Sir *Isaac Coffin* said, that he last night, from the statement of the hon. member, pronounced the treatment of these convicts as being most scandalous. He had gone to the navy board this morning to make inquiries into the truth of the statement, and the result of his inquiries, was, that the hon. member had been imposed upon. In candour, therefore, he felt himself bound to withdraw the expressions he had used last night, and to express his belief, from the information he had since received, that the convicts were as well treated as was consistent with the situation of such persons.

HOUSE OF LORDS.

Wednesday, January 27.

PETITION FROM LONDON, COMPLAINING OF THE CRIMINAL LAW.] Lord *Holland* said, he held in his hand a petition from the lord mayor, aldermen and commons of the city of London, in common council assembled, relating to the present state of the criminal law of the country, which was evidently deserving of the most anxious attention of their lordships, it being a subject that loudly called for legislative consideration. The petition did not come from visionaries, or merely speculative men, but from men of business, men immersed in the commerce of London, and in the every day habit of attending to those subjects which must be materially involved in any consideration of the criminal law of the country. Amongst those also who petitioned were men who formed an important part of the magistracy of the country, and who were in the constant practice of those duties which were essentially connected with the administration of the laws. These considerations more peculiarly rendered the petition deserving of their lordships consideration. That the subject itself was one of the greatest importance could scarcely admit of a doubt; nor could he imagine any reason why they should not enter into the consideration of the criminal code, with a view to render it more consonant to the general feelings, unless they were to deem that a valid argument, which was, in truth, a most whimsical one, namely, that the code was to be upheld by the continual breach of its enactments—which was the every day practice. The petition truly stated the reluctance of prosecutors to come forward, of jurymen to convict, and of judges to punish to the extent of the law. And could it be for a moment contended, that the mere terror of punishments which were rarely inflicted could have any effect in preventing the commission of crimes? Did not, on the contrary, the alarming increase of offences prove the utter uselessness of continuing punishments of which the state of the public feeling did not allow the application? He was aware, that a reference by analogy to the practice of other countries was not always a wholesome argument; but he might be allowed, with regard to the present subject, to observe, that in a neighbouring country, France, previous to the revolution (the horrors and bloodshed of which were so often lamented by persons who forgot to notice the great amelioration in the condition of the people, and the improvement of their moral state in consequence of that event), the punishment by law for the minor offence of stealing in a dwelling-house was death, and that death aggravated by the torment of the rack. The effect of this severity of punishment was, that the masters, acting with that humanity which became them, would not prosecute servants for stealing their property; and the consequence of this was, that in scarcely any house in France was there any security for property. Either by the constituent assembly or the national convention this law was abolished, and a comparatively light punishment substituted, which improvement of the law had been transferred to the Code Napoleon, and still remained a part of the law of France. What had been the consequence? Persons who would have before shrunk with horror from prosecuting servants for theft, had since done it without reluctance; and the offence of stealing in a dwelling house was now scarcely known throughout France. This was a striking example of the efficacy of substituting mild but certain punishments, for those of a severe or sanguinary cha-

racter; which, from the circumstance of their being so, were seldom inflicted. In moving that this petition should lie upon the table, he certainly did not mean to take up the subject to which it referred for the purpose of pressing it upon the consideration of the House. The task had fallen into abler hands. He trusted, however, that no long period would elapse, before some effectual steps would be taken, not for the purpose of rashly innovating, but in order to make those practical reforms in our criminal code which the state of the public feeling undoubtedly called for; and that we should no longer be left to protect our property with weapons which we could not and durst not use.—His lordship then presented the petition, which was read by the clerk at the table, and was couched in the same terms as the one presented to the Commons, and which will be found at p. 81.

The Earl of *Liverpool* said, he did not rise for the purpose of opposing the petition, or making any objection to the discussion of so important a subject, when it should come before the House. The present, however, was not the time for discussion, nor did he mean to enter into it. Were he to say any thing upon such a question, it would be necessary to say a great deal. He wished, therefore, to refer it to another opportunity. What he wished to call their lordships attention to now was, a mere matter of fact. Upon such a subject it was necessary to know how facts stood. It was necessary to consider how far the increase of crimes might have arisen in the last and preceding years, in consequence of the transition from war to peace, and the circumstances naturally attending such a change. They should look to former corresponding periods of war and peace, to know whether the same effects followed from the same causes. There was certainly no period in their history completely analogous to the present. There was no preceding war in which the military and naval establishments were so large. This was to be borne in mind, when computing how far the same changes arose from the same causes in other periods. Documents quite satisfactory could not, it was true, be consulted, for until within a few years no general return was made of convictions and punishments. It was in 1805, when he had the honour of being secretary for the home department, that such returns were first made, and they were afterwards regularly transmitted by all the judges to the home office. Though there was not previously any information of this kind respecting the country at large, it might be had with respect to capital convictions and punishments within the city of London since the year 1749. These returns included the worst species of crimes. If their lordships looked to the period of the American war, it would appear that in the year 1777, the capital convictions in the city of London were 63; in 1778, 81; in 1779, 60. It was remarkable, that the increase of capital convictions and punishments at that period, commenced with the peace, and went on progressively increasing for a few years after, and then began to diminish. In 1780 they were 84; in 1781, 90; in 1782, 108; in 1783, 175; in 1784, 153; in 1785, 151; and in 1788, the diminution was considerable. For the four first years after the peace, the greatest number of crimes, compared with the smallest number during the war, was as three to one, and the smallest number in the same period after the peace, as compared to the greatest during the war, was as two to one. If they took the war of 1756, they would find the same result. In 1759, the capital convictions were 15; in 1760, 14; in 1761, 22; in 1762, 23; and in 1765, 41. He did not state these facts for the purpose of drawing from them any general result, or with a view of embarrassing the subject, but, while attending to the facts of the petition, it was necessary also to consider how far similar causes operated at various periods of the same nature. When the subject came under their lordships consideration, it would be worth while to attend to these facts, and to be apprised of the correct state of them.

The Marquis of *Lansdowne* said, he did not rise for the purpose of prolonging the discussion under the present circumstances. It was a most important subject, and he should be glad that an opportunity were given of taking such an extended view of it as that alluded to by the noble earl. The principle laid down by that noble earl did not appear to him sufficient to account for the late extraordinary and unprecedented increase of crimes. It did not by any means commence with the peace, but went on progressively, from time to time, during the war also. Its progress was not therefore

to be looked for exclusively in the transition from a state of war to peace. There were other circumstances to be considered, though he was not now prepared to state them; but he felt confident that the increase of crime could not be referred to any single principle. It arose from weight of taxation. from the fluctuation of property incidental to war, and from the manner in which that war was supported. It was the conviction of the magistrates, that the crimes so prevalent at the present day did not belong, in any great degree, to soldiers and sailors; they were rather surprised how few could be traced to them. Crimes, it was true, might be committed by others, influenced by the state to which the families of soldiers and sailors were reduced; but the great number of juvenile offenders could not be accounted for upon any such principle. If there was any class of culprits upon which the interference of the legislature could produce a powerful and lasting effect, it was with respect to them. Their great increase was a most remarkable feature in the depravity of the present times; and it arose, he had no doubt, principally from the state of the prisons. This was not to be attributed to the keepers, but to the insufficient means of managing such places properly, and the want of machinery to conduct them with any beneficial results. They thus became schools of vice, and hence arose the present systematic and improved education in crime. It could not be accounted for, except in a very slight degree indeed, upon the principle of a transition from war to peace. Besides, the noble earl spoke of the years immediately succeeding the war of 1756 and the American war; whereas, they were now in the fourth year after a peace, with crimes rapidly on the increase. [The earl of Liverpool said, he gave the returns for 1786 and 1787, four years after a peace.] The years 1786 and 1787 might bear out the noble lord's statement. It was not however merely of the increase that he now spoke, but of the immense mass of crime that existed altogether. It would be found that the convictions had increased from 3 or 4,000 to 13,000 in the course of twelve years. This was not to be accounted for on the solitary ground suggested by the noble earl. It was of the highest importance to ascertain, what the causes were, and to find whether they were such as it was within the reach of the legislature to remove. As such was the object of the petition, it should have his warmest support. To innovate rashly; to change long existing laws without sufficient reason, was unwise and impolitic; but when crimes had increased to such an unprecedented degree, it was right to consider whether they might not be diminished by some change in the present penal code of the country.

The Earl of *Liverpool* said, he had not stated the transition from war to peace as the only cause of the increase of crimes, but as one which he considered very material. He, however, still contended, that the increase, with respect to the late war, was proportionally similar to that which had taken place in former wars, and on the conclusion of peace.

Lord *King* alluded to the report before their lordships relative to the means of preventing the forgery of bank-notes, and observed, that if they wished to put a stop to the lamentable effects of forgery, they must remove the cause. There were very few instances of the forgery of country bank-notes, while executions for forging Bank of England notes were numerous. The reason was, that the competition of country bankers occasioned a vigilant attention on the part of each house to the state of its notes. If many forged notes were suffered by country bankers to get into circulation, it would affect their credit. Hence they were constantly on the watch. But the Bank of England, having no competition, did not feel the necessity of the same vigilance. The only remedy for this was, either to return to cash payments, or if that was not to be, to allow the bankers of London to issue one and two pound notes, in which case, from the competition, great vigilance would be used, and forgery become much less prevalent.

The petition was ordered to lie on the table.

CARE OF HIS MAJESTY'S PERSON BILL.] The House having resolved itself into a Committee on this bill,

Lord *Holland* said, he wished it to be distinctly understood that he did not object to the care and custody of the king's person being vested in the duke of York, it having been deemed fitting by the legislature that the custody of the king's sacred person should be separated from the executive government; and some measure being rendered necessary by the

demise of her late majesty, he undoubtedly thought that the duke of York, from his station, his high character, and the relation in which he stood to his majesty, was the fittest person that could possibly be chosen for that high trust. He still, however, thought, notwithstanding what had been said by the noble earl opposite on the preceding evening, that the present bill was, by the clause relating to the Windsor establishment, rendered inconsistent, and that to render the bill an intelligent piece of legislation, it was absolutely necessary that that clause should be struck out. Either their lordships should have before them, previous to passing this bill, a statement as to the extent of the establishment, or the bill should relate solely to the care and custody of the king's person, without referring at all to the establishment. The noble earl had, however, said, it was impossible that the establishment should be augmented; but where was the evidence of this? for not one word tending to such a conclusion was to be found in the bill. But, then, it had been said by the noble earl, that it was intended to reduce the establishment, without, however, entering into any detail, though he did not mean to charge this as matter of blame, it being perfectly natural. This was certainly evidence of the present intentions of the noble earl, whose opinion, no doubt, had great influence in that House. But it was possible, that the noble earl might change his opinion; and it was just possible, though not so probable as the former, that the majority of parliament might differ in opinion with the noble earl. Their lordships would recollect, that it was not the first time the noble earl had changed an opinion after intimating that opinion in that House. It was not long since, and upon a question, too, relating to the royal family, that the noble earl, after delivering an opinion in that House, found reason, in consequence of the silent voice of a little parliament of his own, to correct the opinion which he had first stated. Another instance occurred during the short time of the present session; the noble earl having expressed an opinion, on the first day of its opening against any inquiry into the affairs of the Bank, which opinion, in consequence of a communication with a certain little parliament of his own, he had since found reason to change. Where, then, was the security in the present case, that some little parliament of lords of the bed-chamber, and persons connected with the Windsor establishment, might not induce the noble earl to change, to alter, the intention he had expressed of reducing that establishment? Upon a former occasion, when he (lord Holland) thought the Windsor establishment much too large for any purposes of comfort to our afflicted monarch, lords of the bed-chamber started up, to say, forsooth, that they, who had stuck by the king in his prosperity, would not desert him in his adversity; and that they would not take away one *iota* from the splendor which surrounded their sovereign. What security was there now, that lords of the bed-chamber might not again start up, to declare that they would not take away any part of the splendor which surrounded the monarch? and with this additional reason, that his majesty required more consolation now, from the circumstance of his having lost her who had been his companion for upwards of fifty years. Why, then, if there was no security, notwithstanding all that had been said, for the reduction of the Windsor establishment, or even that it might not be increased, surely it became the House to pause before they sanctioned an establishment without knowing of what that establishment was to consist, and when the bill might be passed for vesting the care of the king's person without any reference whatever to the establishment, and be perfectly effective for that object. The noble lord concluded by moving to leave out all the words in the bill relating to the Windsor establishment.

The Earl of *Liverpool* observed, that their lordships were now only proceeding to legislate on a part of the subject, upon which no difference of opinion existed. They were all agreed as to the propriety of establishing the custody of the king's person in one of the royal family; they were agreed as to the propriety of vesting it in the duke of York, to whom the control of the establishment was to be given, in consequence of such appointment, by the present clause. To this he thought that no objection could fairly be urged. A difference of opinion might arise with respect to the amount of the establishment; but the best way of proceeding, in such a case, was to separate the two questions; to appoint the duke of York, in the first instance, and to leave the other subject for a future occasion, not as

being less fit for legislative provision, but as being more likely to divide the sentiments of the House. The noble lord had alluded to a former session, when a reduction of the establishment was spoken of. He had no hesitation in stating, that if a proposition to that effect had been made at that time, he would have opposed it. What difference there was in the present state of things, which might justify a different course, it would be for him to explain when the subject came regularly before their lordships. This much he would state at present, that while her majesty lived, she was queen consort; and when the establishment was first taken into consideration, regard was had to her majesty's situation, as well as to the king's. But this would come more properly into discussion when the other measure was before them. The noble lord had objected against giving to the duke of York the patronage of the establishment, when they did not know to what amount it was to be reduced. The noble lord's objection would have some weight if he was perfectly prepared to say, that in case the establishment was continued at its present amount, the duke of York ought not to have the control of it; but the ground upon which he urged them to adopt the measure was this, that whatever that establishment might be, leaving its limits to be determined by future discussions, it was fit that the duke of York should have the patronage, and exercise every power over it which her majesty had done before him. The question was, whether they would refuse to the duke of York, being *custos personæ*, the privileges that belonged to the character in which they were agreed that he should be placed. The noble lord did not like an *imperium in imperio*; neither did he: but it was to be observed, that the question was not now proposed for the first time, that the principle had been already acted on, and that this was not the only case to which it was applicable. The objection of an *imperium in imperio* extended, in fact, to any establishment for any branches of the royal family. It was applicable to the establishment of the prince of Wales. If any inconvenience was felt from its application to these cases, a fact of which he professed himself perfectly unaware, their lordships would balance such inconvenience with that of having the members of the royal family, and particularly the prince of Wales, without establishments suitable to their rank. His lordship concluded by repeating, that the objection of the noble lord would be valid if he could go the length of saying that the duke of York ought not to have the patronage of the establishment, if it was to be continued at its present amount.

Lord *Holland* said, he did not join issue with the noble earl. It was by no means necessary, to support his objection to refuse the patronage of the establishment to the duke of York in the case alluded to. In one word, his objection was this, that if they agreed to the clause in its present shape without any qualification they would allow a principle of larger extent than the noble lord himself would, upon reflection, be willing to recognise. At the same time, having stated his opinion, he would not give their lordships the trouble of dividing.

The amendment was then negatived.

The Earl of *Liverpool* said, he had now to propose to fill up the blank, and to move the appointment of a member of the council, to supply the vacancy occasioned by the death of lord chief-justice Ellenborough. It was from no want of respect for the learned person who succeeded that noble and learned lord that he did not propose him for this situation; but the official duties of the chief-justice rendered the appointment inconvenient, as it was desirable that a sufficient number of members should always be ready to attend the council on the monthly and quarterly meetings. He should therefore move the appointment of marquis Camden.

Lord *Holland* concurred most heartily in the motion, and congratulated their lordships on the choice which had been made of the noble marquis, who had acted so generous and disinterested a part with respect to the reduction of his own establishment. Hence, he was the fittest person that could be selected.

The bill then went through the committee.

HOUSE OF COMMONS.

Wednesday, January 27.

PRIVILEGE OF PARLIAMENT—ROBERT CHRISTIE BURTON, ESQ.] The *Speaker* rose and said:—I have to acquaint the House, that, on Saturday, the 16th instant, I received a letter from a gentleman of the name of Robert Christie Burton, describing himself to be member of parliament, for the borough of Beverley, which

‡

letter, with the permission of the House, I will now read:—"Ludgate Hill, No. 39, "January 14th 1819. Sir; I have the "honour to inform you that, on the 17th "day of June 1818, I was elected member "of parliament to represent the borough "of Beverly, in the east riding of the "county of York; but, being in the cus- "tody of the warden of his majesty's "prison of the court of Common pleas, "at the suit of creditors for civil debts, "the deputy warden, Mr. Nixon, informs "me, that he cannot consent to release "me until he shall be authorized to that "effect by a warrant from the right hon. "the Speaker of the House of Commons; "I am therefore to request that you will "be pleased to inform me what are the "requisite steps to be adopted upon the "occasion. I have the honour to be, &c. "Robert Christie Burton, M. P." I wrote to Mr. Christie, in answer, that I would take the first opportunity of laying his letter before the House. I afterwards received a second letter as follows:— "Ludgate Hill, No. 39, Jan. 20th 1819. "Sir, I am to request that you will be "pleased not to consider my letter of the "14th instant as an official communica- "tion, or in a parliamentary point of "view, as circumstances will occur en- "abling me to take my seat in the House "on Monday next. I have the honour, "&c. Robert Christie Burton, M. P." In consequence of this request, I did not lay the preceding letter before the House. Late last night I received a third letter, as follows:—"Ludgate Hill, No. 39, Jan. "26th, 1819. Sir; Having perused the "various acts of parliament, and con- "sulted the best authorities, relative to "my situation as a member of the House "of Commons, I beg leave to refer you "to my letter of the 14th instant upon "the subject, and to request that you will "be pleased to take the earliest opportu- "nity of submitting my case to the House, "in order that I may be enabled to avail "myself of those privileges to which I "am entitled as a representative in par- "liament. I have the honour to be, &c. "Robert Christie Burton, M. P." The House will perhaps pardon me for calling their attention to a similar occurrence which took place in 1807, when an hon. member stated that he was detained in similar confinement. An order was then made to refer the complaint to the committee of privileges, which sat next day, and whose only object was, to establish the identity of the individual. That having been proved, the committee made their report, and he was ordered to be discharged out of custody. Some hon. member will perhaps move a similar proceeding in the present instance.

Mr. *Bathurst* accordingly moved, "That it be referred to the committee of privileges to examine the subject matter of the said letters, and report the same, with their opinion thereupon, to the House." The motion was agreed to, and the committee was instructed to sit to-morrow.

WESTMINSTER HUSTINGS BILL.] Mr. *Bennet* moved, that leave be given to bring in a bill for reviving and further continuing for a limited time, an act made in the 51st of his majesty, intituled, "An Act to explain and amend the Laws touching the election of the knights of the shire to serve in Parliament for England, respecting the expenses of hustings and poll clerks, so far as regards the city of Westminster." Leave was given, and the bill was brought in, and read a first time.

SILVER CURRENCY.] Mr. *Grenfell* rose to put a question to the chancellor of the exchequer, upon a point of the utmost importance to the public. He had received information that day, of the correctness of which he had no reason to doubt, that the price of standard silver had advanced to 5*s*. 7½*d*. per ounce, or three halfpence above the price fixed by the Mint regulations. In the year before last, when those new regulations were made, that price was four or five per cent above the price of the general market. His reason, therefore, for now putting a question to the right hon. gentleman was, because, whenever the price of silver should be such as to afford a profit upon either melting or exporting the coin, it would begin to disappear. Should the price therefore remain at its present amount, the disappearance of the new silver currency might be calculated on, as the new gold coin had already disappeared; unless government were prepared with some means of counteracting that effect. What he wished now to know was, whether any measure was under consideration for the purpose of checking the evil already begun.

The *Chancellor of the Exchequer* thought it must be evident to the House that to a question so important as that of

the hon. gentleman it was impossible to return an answer without some time for consideration. He had heard of the rise in the price of silver mentioned by the hon. gentleman, although he had no knowledge of the fact; but he certainly had reason to believe that the present high price was not likely to continue.

Bank Restriction.] Mr. *Protheroe*, seeing an honourable Bank director in his place, wished to learn from him, whether it was the desire of the Bank, that the committee about to be appointed to inspect their affairs, should be a secret committee? He asked this question, because he felt that that committee, in order to be useful, ought to carry with it the confidence of the country; and he had great doubts whether that confidence would be given to a committee whose investigations were secret, unless it could be shown, at the same time, that disclosure would be attended with public danger.

Mr. *Manning* said, that he had not the honour of a seat there as a Bank director, but as a duly elected member of parliament. He therefore called for the protection of the House against such sudden interrogatories. He would, while he sat there, discharge, to the best of his ability, his duty as a member; but although, from courtesy, he might anwser a question, he hoped it would not be forgotten, that he appeared there as a member of parliament, and did not take his seat as a director.

The *Chancellor of the Exchequer* observed, that if the hon. member for Bristol would refer to the report of the secret committee which sat in 1797, to inquire into the affairs of the Bank, he would perceive that there was nothing in such a proceeding to preclude the House from a general consideration of the subject. He wished to take that opportunity of stating his intention to move, on Tuesday next, for a committee of secrecy, to inquire into the state of the Bank, with reference to the expediency of the resumption of cash payments at the time fixed by act of parliament, and into such other matters as might be connected therewith. It was not usual to move in the first place that the committee should be one of secrecy, but he thought it due in candour to intimate, that he intended to propose that this should be its character.

Mr. *Tierney* declared, that his difficulty in understanding what course the right hon. gentleman really had it in contemplation to pursue, was only increased by this statement of his intentions. The words in which he had just expressed the motion which he was to submit to the House, might mean the same thing in substance as those of his own, or they might mean something very different. His own motion might include the right hon. gentleman's question, and the right hon. gentleman might only think that the former was exceptionable as being too comprehensive. If he were desirous merely that some part of his (Mr. T.'s) proposition should be excluded, he begged that he would extend his candour so far as to say so, and it might happen that the same motion might embrace the objects of both, and the right hon. gentleman's be the better of the two. He wished likewise to know whether, if a committee of secrecy were assented to, it was to be chosen by ballot.

The *Chancellor of the Exchequer* replied, that upon the best information which he had, as to the rules and practice of the House, committees of secrecy were always elected by ballot. With regard to the terms of his motion, the right hon. gentleman must recollect, that the one of which he had himself at first given notice was so vague in its expression, that he had found it necessary, subsequently, to correct it. If the right hon. gentleman meant nothing more than was included in the inquiry to which his (the chancellor of the exchequer's) motion would naturally lead, he could not perceive what objection he could have to adopt it.

Mr. *Tierney* observed, that in his construction of the right hon. gentleman's notice, he had learned nothing distinctly, except that the committee was to be secret, and to be chosen by ballot. Of this there was no doubt, and this was the limit of the information he had acquired of the nature of that inquiry which was to be proposed. The object of his own motion was to inquire openly, and generally, into the state of our currency, of the foreign exchanges, and the degree to which they were affected by the restriction of cash payments at the Bank. This inquiry he thought important, in order that the country should know what the system was upon which they were embarking, and proceed with its eyes open. If the right hon. gentleman thought him wrong in the manner of framing his motion, he wished him to say so; for he had

no desire to squabble about words, or trouble the House unnecessarily with a long debate. But it certainly appeared to him at present that the right hon. gentleman differed from him merely from the love of opposition, and a persuasion, he supposed, that nothing could be right which proceeded from that side of the House. Let the right hon. gentleman, therefore, state explicitly whether his inquiry embraced the same object which he (Mr. Tierney) had now explained to be what he had in view, and if it were so, he would cheerfully withdraw his notice, leaving the right hon. gentleman the glory of carrying his point, and resting quite satisfied with the secret gratification of having obtained what he wanted.

The *Chancellor of the Exchequer* said, the collateral matters referred to by the terms of his motion would certainly include the state of the currency, and other questions; but the first point of inquiry would be, the state of the affairs of the Bank, a topic not even mentioned in the words of the right hon. gentleman's notice.

Mr. *Tierney* wished to know whether the right hon. gentleman would be satisfied with a secret committee to inquire into the state of the Bank simply. For his own part, he had no doubt of its solvency; but he hoped that a secret committee was not deemed necessary for investigating the general policy or necessity of continuing the restriction.

The *Chancellor of the Exchequer* was of opinion, that it would be more expedient that the whole inquiry should be submitted to one committee similar in its formation to that which gave general satisfaction to the country in the year 1797.

Mr. *Tierney* replied, that he should think he deserted his duty to the country, if, after the right hon. gentleman's declaration, he did not take the sense of the House on the question of referring this most important inquiry to a committee chosen by ballot, and whose report every man well knew would be nothing more than an echo of the right hon. gentleman's own opinion.

HOUSE OF COMMONS.

Thursday, January 28.

PRIVILEGE OF PARLIAMENT—ROBERT CHRISTIE BURTON, ESQ.] Sir *James Mackintosh* presented a petition from several persons, merchants at Hull, representing themselves to be creditors of Robert Christie Burton, against whom they had recovered judgment for debt in his majesty's Court of Common Pleas, and who was now confined in the Fleet-prison, by process of execution on the same. They had just learned that the said Robert Christie Burton had applied to that House to be discharged upon his privilege as a member, having previously applied to one of the judges of the court of King's-bench, in chambers, on the same ground, and experienced a refusal. The petitioners submitted, that the privilege of the House did not extend to executions upon judgment previously obtained, but only to mesne process; and that the said Robert Christie Burton was not eligible to a seat in parliament. They prayed, therefore, to be heard by counsel at the bar against his discharge, and that the House would grant them such relief as to their wisdom should seem meet. The hon. mover observed, that he was aware that the first part of their prayer could not be granted, but the second appeared to him to entitle the petition to lie upon the table.

The *Speaker* suggested, that, independently of the substance of the petition, which he should not examine, there was an irregularity in point of form, which would be fatal to it, the petition having been signed not by the petitioners themselves, but by a person describing himself as agent to the petitioners.

The petition was accordingly withdrawn. Mr. Wynn then brought up the report of the committee of privileges. It was read by the clerk, and stated, "That the said committee have found, that the said Robert Christie Burton is a member of this House, and is in the custody of the warden of the Fleet-prison in execution, and also on *mesne process*, at the suit of several creditors for civil debts: and the committee have, upon the whole matter resolved, That the said Robert Christie Burton is entitled to privilege of parliament."

Mr. *Wynn* said, he should have contented himself with merely moving two resolutions, expressing the concurrence of the House in this report, had it not been for the petition which had been presented and withdrawn on account of an informality. The substance, however, was as open to exception as the form, for it was a complete error to suppose that there was any distinction between the

cases of confinement upon *mesne process*, or in execution of a judgment. The reason of the privilege applied equally to both, and signified that, as the duty of attendance in parliament was the highest service which could be required of any man, it ought not to be interrupted by the private claims of any individual. Several cases had fully established this principle, but it would be sufficient to mention two; that of Thomas Brown in the year 1676, who was in custody previous to his election; and that of a person named Asgill in the year 1707,* who, so far from being a favourite with the parliament which liberated him, was expelled immediately after for an irreligious publication. He did not think it necessary to make any further observations on the present case, and should therefore move, that the House do agree with the committee in the said resolution.

The motion was agreed to. It was then ordered, "That Robert Christie Burton be discharged out of the custody of the warden of the Fleet-prison."

LICENCING SYSTEM.] Mr. *Bennet* presented a petition from a person named Brownjohn, complaining of the improper conduct of a magistrate at Bristol, in refusing to renew his licence as a victualler, by which refusal the petitioner had been subjected to grievous loss and injury. The hon. gentleman observed, that he availed himself of this opportunity of giving notice of his intention to propose, soon after Easter, some alteration of the law as it related to the mode of granting and taking away licences by magistrates.

Mr. *Protheroe* expressed his confidence that the magistrate alluded to had not acted from any improper motive. He felt pleasure in testifying to the respectability of his character, as he was in an opposite interest to himself, and because an unfavourable impression was sometimes made by petitions of this nature.

Mr. *Hart Davis* bore similar testimony to the character of the gentleman against whom the complaint of the petitioner was preferred.

Mr. *Bathurst* apprehended that the court of King's-bench was the proper place to resort to with complaints of this nature. It was but lately that he had seen a case, in which that court had granted a rule to show cause why a criminal information should not be filed against a magistrate, for improperly refusing a licence. It did not appear to him fit that cases should be brought under consideration in that House, which might be tried in a court of competent jurisdiction, and investigated by evidence taken upon oath.

Mr. *Bennet* observed, that the court of King's-bench would not interfere, except upon a *prima facie* case of corrupt motive in the magistrate. It held that the magistrate had an arbitrary power of licensing or refusing to license. He was not bound to state any reason for his proceeding, and the burthen of proving a corrupt motive rested upon the complainant. A very considerable amount of property, extending throughout the country, was thus placed in a condition unlike that of any other description of property, and no legal remedy could be obtained against proceedings which were often harsh, unjust, and unwarrantable. In such cases that House was the only authority to which the aggrieved party could appeal. They might reject this petition, but it was his fixed determination to bring the whole subject into discussion in the course of the present session.

Mr. *Courtenay* thought the observations of the hon. member applied, not to the merits of this petition, but to the general state of the law, with regard to this subject, which he agreed with him in thinking did call for some amendment. But the complaint of this petitioner appeared to him to fall peculiarly within the cognizance of a court of law. There was no doubt that instances of abuse and misapplication of their powers by magistrates occurred, and that parliament ought to direct its attention to the subject. The present case, however, being one which evidently belonged to the jurisdiction of a court of law, he would suggest the propriety of withdrawing the petition.

Mr. *Hume* thought the public highly indebted to the hon. gentleman, for the important part which he had taken in the production of the police report. No man who had read it could deny, that the greatest abuses existed in the licensing system. He was strongly impressed with the necessity of bringing the subject before parliament at an early period. With respect to the petition immediately under consideration, he confessed that he should be sorry to see the doors of the house

* See Parl. History, vol. 6, p. 600.

shut against such complaints against the existing authorities, as could not be successfully prosecuted in a court of law.

Mr. Bennet, as the general feeling of the House appeared to be against the reception of the petition, consented to withdraw it.

MOTION FOR ACCOUNTS RESPECTING BANK PROSECUTIONS FOR FORGERY.] Sir *James Mackintosh* said, he should have moved for the returns, the production of which he had in view, without any previous observation, as he understood it was not likely that his motion would be opposed, had he not wished to take the earliest opportunity of making a few remarks on the report of the commissioners appointed for inquiring into the mode of preventing the forgery of Bank-notes. [See p. 73.] Indeed, he had come down to the House yesterday with that intention, but observing that the hon. member for Exeter was not in his place, he thought it better to postpone saying any thing on the subject until that hon. gentleman, a member of the commission in question, should be present. The inquiry for which that commission was appointed, originated in a motion which he had had the honour to make in the last session of parliament*—not with the view of making the forgery of Bank-notes impossible, but with the more humble and more practicable object of rendering the imitation of them more difficult. Those hon. gentlemen who were members of the last parliament would do him the justice to recollect, that he distinctly stated, that the adoption of his proposition would have one of two advantages—either that, on the one hand, it would disclose the means by which the facilities of forgery, and consequently the temptation to it might be diminished, or that, on the other hand, by discovering that no such means could be devised, it would show that the only path of safety was a return to cash payments; and he believed that those hon. gentlemen would also remember, that he pretty clearly intimated his opinion which of the two advantages would in all probability be obtained. Although he certainly had expected from the beginning the result that had taken place, he must fairly own, that he had not entertained so much confidence in his own judgment as to suppose that the inclination of his mind on the subject would receive such sanction and confirmation as it had received from the report of the commissioners. Of that report it was impossible for him to speak in any terms but in those of respect. It emanated from individuals, some of whom were eminent in science, and others were as respectable as any men in the country. He could never, therefore, regard the report of such a board with any other sentiment but that of deference. But he could by no means be so sanguine as to think that the report held out any expectations of an attainment of the object which the commission had in view. On the contrary, it appeared to him to demonstrate, that there was little or no prospect of ever lessening the facilities of forgery, removing the temptation to the crime and diminishing all that depravity which accompanied it, by any course but by a return to cash payments. He considered that the report was most decisive as to the expediency of renewing cash payments, with all those who thought that the lives of men, and the morality of the population, ought to be among the highest objects of the deliberations of parliament. Having made these few observations, he now wished to call the attention of the house to the general results of the report. And he was glad to do this in the presence of those who would correct him if he made any unintentional mis-statements, as he considered that a great advantage. If he understood the substance of the report, it amounted to—that about two hundred projects for the improvement of Bank-notes had been laid before the Directors of the Bank of England, and before the commissioners; that all those which had been laid before the Directors of the Bank of England, had been, in the opinion of the commissioners, very properly rejected by them: that with respect to those projects which had been laid before the commissioners, only nine deserved serious consideration, although twelve more were praised for their ingenuity; that of those nine (if he rightly understood the report) only one could, under all the circumstances of the case, be recommended by the commissioners as worthy of experiment; and that although, it was not distinctly stated by the commissioners, that the other eight projects were rejected, yet the tendency of the language used in the report amounted to a declaration, that those

* See vol. 38, p. 671.

other eight projects were not thought by the commissioners to be above the reach of easy imitation. The house, therefore, must consider the result of the whole to be, that of all the projects laid before the Directors of the Bank of England during twenty years, not one was thought to hold out any prospect of amending the present system; and that of all those which had been since submitted to the commissioners, only one was deemed by them to be worthy of experiment—and here he must observe, that the commissioners, very creditable to themselves, had stated their opinion even of this single favoured project in very cautious language. It was evident that they were laudably solicitous not to excite hopes which might eventually be disappointed, and that they had, therefore, qualified even the glimpse of expectation which they held out to the British public. They told the public that they had received only one project which they could recommend—not for immediate execution, but "to be put in course of trial with a view to combination with other improvements." There was one part of the report which he confessed he had read with much surprise. It was that in which the commmissioners expressed their apprehension that any advantage to be derived from an improvement in the construction of the Bank-note would probably be much abated by the carelessness of the public in taking notes without sufficient examination. He owned his astonishment at this declaration; for he had always considered that carelessness as one of the conditions of the problem that was to be solved—one of the facts that were to be assumed by the commissioners in their investigation—one of the circumstances that rendered the attainment of the object in view in a considerable degree difficult. It was vain and useless to talk of the carelessness of the public as an impediment in the way of success. Any invention for the purpose in the question would be utterly useless, unless it possessed such obvious and distinctive marks as would put the public at once on its guard, and would be obvious to the hasty glance of a common observer; an observer as careless as the great majority of men were found to be. It was almost to state that all the remedy for the evil was unattainable, to state that the carelessness of mankind was an obstacle to its attainment. The carelessness of mankind, as operating in the exchange of commodities by barter, rendered the establishment of a standard currency an object of importance to all nations.—With respect to the two last sentences of the report, they seemed to him so framed, as to throw a damp on, and extinguish even the little hope which it had previously raised. To press the matter further, he felt would be to waste the time of the house. He could not believe that any hon. member would be persuaded to commit the property of the whole people, and the lives of a great many of them, to the expectation of the success that might attend a single untried experiment; more especially after the failure of so many ingenious plans, the advantages of which had no doubt appeared to their inventors to be certain. He could not but think, that the result of the investigation that had taken place must satisfy the house (as far as that part of the question went), that all hope of diminishing the facilities and temptation to forgery, by any amendment in the construction of the notes, was so slender as to be practically nothing. The question, therefore, was reduced to this:—the report had shown that there was only one, and that a very slight expectation of diminishing, by any new plan of preparing the notes, the forgeries, the executions, and all the other horrors attendant on the existing system. Would the house, after hearing this, and having other means in their power by which the crime of forgery and its consequent miseries might be most materially diminished, nevertheless vote for their perpetuation? Would they for a moment think of balancing that crime and those miseries in one scale, by throwing any supposed financial advantage into the other? The right hon. the Chancellor of the Exchequer would probably urge them to do this. All he should say was, that the former House of Commons listened to the right hon. gentleman's voice on the subject, and the melancholy results were but too well known. In 1816, when the difference between the market and the Mint prices of gold and silver was only 7-8ths per cent, the question arose whether or not money payments should be re-established. The chancellor of the exchequer prevailed on parliament further to restrain them. The consequence was, that in the three years which had intervened, fifty capital punishments for forgery had taken place. This was one of the many sad results of the fatal confidence reposed by the last par-

liament in his majesty's government. It was the more to be regretted, because at that very moment the country had passed through the greatest shock and revulsion of a return to cash payments, by the Bank of England withdrawing its issues, and the failure of the country banks. Not having the courage to take one wise step, the country was again plunged into all those horrors from which it was now found so difficult to extricate it. The question was, whether, after the experience of the last House of Commons, the present House of Commons would follow the guides who had misled their predecessors, and vote for the continuance of a measure which had been attended by such consequences, unless the necessity for it were proved on the grounds of a policy superior (if any such policy there could be) to the calls of humanity, by a full, impartial, efficient, and public inquiry into the reasons and considerations of expediency urged in its favour. He would now move, "That there be laid before the house, an Account of the number of Persons prosecuted for forging notes of the Bank of England, or for knowingly uttering or possessing forged Notes, from the 10th of April 1818 to the 28th of January 1819; distinguishing the capital Convictions from those of an inferior nature, and the number of those Prosecutions which relate to notes of *5l.* and upwards, from the number of those which relate to notes of *1l.* and *2l.*"

Mr. *Courtenay* observed, that the members of the commission, whose report had been adverted to by the hon. and learned gentleman, had felt it their duty to ascertain, as far as they could, the value of the respective inventions submitted to them. What might be the weight of the opinion which they had formed and delivered, it was not for him to say. The hon and learned gentleman, however, had a little misconceived the report of the commissioners. They had been fully aware that their report must create much disappointment. It was clear that the ingenious projectors of those plans they had not been able to approve, were likely to think the seven commissioners rather than themselves to be in the wrong. But the commissioners were also aware, that the longer the public were kept in ignorance of their opinion, the longer would those individuals be kept in a state that must tend to increase the disappointment when it arrived. In that view of the subject, the commissioners, anxious so far to make a report of their proceedings, were nevertheless unable to state fully the result, which they hoped ere long to do. In the report which the commissioners had made, he agreed with the hon. and learned gentleman, that they had used language, calculated to show the house and the country, that the desired object was not so easy of attainment as by some it was supposed to be. And this they were the more solicitous to do, because the belief had been fostered throughout the country, that nothing but the grossest ignorance and negligence on the part of the directors of the Bank, could have prevented the adoption long ago of some scheme by which the evil complained of might have been remedied. They owed it to the House and the country to state, that not one of the plans presented could be adopted with solid advantage to the public. It was, he conceived, his duty to state that opinion; but the commission at the same time felt it their duty to distinguish particularly some of the projects which were presented to them. It was stated in the report, that not more than nine of the projects deserved to be more particularly mentioned. Many of the plans certainly possessed very great merit. The degree of talent which had been displayed was very great indeed. Several of the plans of individuals, both of this country and abroad, and more particularly of the united states of America, possessed very extraordinary merit. He mentioned this to show that no communication on the subject had been overlooked by the commissioners, and that those were deceived who thought that some of the specimens presented, if attended to, would have produced the desired effects. In many of the plans submitted to them, complicated machinery was necessary to produce the notes, and it was supposed by the projectors, that these notes could not be well imitated but by that machinery. But these persons forgot that a great number of imitations, not so excellent indeed as the original, but sufficient for the purposes of forgery, might be made, without the application of the same extensive machinery.—He could not sit down without remarking, that his hon. friend had said more than the commissioners meant to say in the report, when he alleged that they were anxious to repress the hopes of the public, and that they themselves despaired of success.

Now, they did anticipate that a note would be produced, the introduction of which would answer the purpose desired. His hon. friend would allow, that it was their duty to select from among the specimens presented to them, the one which was the best and most likely to preclude the possibility of imitation. They had accordingly selected one which they had every reason to believe would succeed. But, even on this plan, they had thought that an improvement might be made; and he had the satisfaction of stating, that since the date of the document which had been alluded to, they had had additional reason to anticipate success. A gentleman of the commission was of opinion that a combination of this design with paper of a particular fabric would render imitation almost impossible; and a respectable manufacturer was now employed in making paper for the experiment. Although he denied, therefore, as had been improperly alleged in some of the public papers, that forgeries, and executions for forgeries, could have been prevented sooner, he had still reason to believe that the attempts to prevent them would ultimately succeed. The commissioners were not desirous to raise too sanguine hopes, but at the same time they had no reason to despair of success.

Mr. *Tierney* said, if he understood the hon. and learned gentleman correctly, the substance of what he said was—that though some improvements on the existing system had been presented to the commission, yet no projects had been presented to that body which allowed them to entertain any thing more than a hope that some device might be hit upon which would render the crime of forgery infinitely more difficult. He wished to learn from him when they might expect the ultimate opinion of the commission on the experiments they were now making—when they might expect something more definite on the subject than mere hope. It was material that the commission should report whether they had merely a hope, or whether they had something more than a hope, that the crime of forgery could not be committed with the same security as heretofore.

Mr. *Courtenay* said, that many of the specimens shown to the commission possessed great merit, and were in themselves an improvement on the existing system; but it had been suggested by a member of the commission, who was at the same time a member of that House, that any of the plans might be very much improved by combination. The experiment which had been suggested, was now in progress. They had every reason to believe that the improvement in the form of the note, combined with the improvement in the paper which had been suggested, would render imitation extremely difficult. The paper was now making by a paper-maker of great skill. In a month's time, he had no doubt, a note would be produced of such a form, as to justify them in recommending its adoption, and which would render forgery extremely difficult.

The motion was agreed to.

Sir *James Mackintosh* then moved for an account of the number of forged notes which had been detected by the Bank of England, from the 10th of April 1818 to the 28th of January 1819. In making this motion, he wished to say a few words on what had fallen from his hon. and learned friend. It appeared that the only result, after six months' labour on the part of the commission was, that they might expect something from one untried experiment. They were now in a very different situation from what they conceived themselves to be in before. It was conceived that many means might be devised for the diminution of forgeries; but now all their hopes of success rested on an experiment which was yet untried. The House would greatly mistake him, if they thought that he undervalued the inquiries of the commission. Even after the resumption of cash payments, such an improvement in the construction of bank notes as would render it more difficult to imitate them, would be a very great improvement. As the paper which would continue in circulation after the resumption, would continue to be attacked some time from the habit of forgery contracted during the stoppage of cash payments, it would require all possible improvements to protect the public after the resumption. Any improvement, even the slightest, would therefore, in his opinion, be desirable.

Mr. *Courtenay* said, he meant to state that the note on which experiments were making, was in such a state, that they thought it already a considerable improvement on the present note; but they thought that even that note might be improved, and that improvement was now under experiment.

The motion was then agreed to.

HOUSE OF COMMONS.

Friday, January 29.

WESTMINSTER HUSTINGS BILL—PETITION OF MR. HUNT.] Mr. Sinclair presented the following Petition from Mr. Hunt against this bill:

"To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled. —The Petition of Henry Hunt, esq. humbly sheweth;

"That, at the last election for the city of Westminster, your petitioner stood along with five other gentlemen, as candidates for the representation of that city, and soon after the close of such election, an account was sent him by Arthur Morris, esq. the high bailiff of the said city, claiming of three of such candidates only, the sum of 936*l.* 9*s.* 11*d.* as his bill of charges and expenses for such election; and, on your petitioner objecting to several items contained therein, particularly to a lumping one of 522*l.* for a carpenter's bill, the said Arthur Morris, without further ceremony, brought an action of debt against your petitioner for the same; and while your petitioner was trying to get from him full particulars how such article, amongst others, was made out, he, by two sharp practising attornies, of the names of Trower and Twedly, snapt a judgment against your petitioner in such action, and was about to levy an execution thereon; to prevent which, your petitioner was obliged to apply to his majesty's court of King's-bench, in which court the judgment had been so obtained for a rule *nisi* to set aside the same, which rule, at the request of the said Arthur Morris's counsel, stands over to be argued on Monday next.—And your petitioner further sheweth, that the said high bailiff, by bringing actions of debt, and snapping thereon final judgments, not only deprives the party he shall so sue, of a right to dispute his charges, however illegal or unjust they may be, but also takes away from the subject the writ of inquiry by a jury to assess the damages he would be entitled to, in the case of an interlocutory judgment, which your petitioner most humbly submits is the bounden duty of your honourable House to prevent. And your petitioner further complains, that the enormous expense of erecting the hustings is wholly unnecessary, and that at the late election two-thirds of the same was neither appropriated to the use or convenience of the candidates or their friends, but that it was daily occupied by persons sent and paid to interrupt the proceedings, who had no other business there, in violation of the privileges of your honourable House, and in defiance of the statute, 'That declares the election of members 'of parliament ought to be free;' that the late lord Ellenborough said, when presiding in the court of King's-bench, that the high bailiff might hold the election in Westminster-hall or some other place, without putting the candidates to such enormous expense, as is the case in all other cities. And your petitioner further adds, the place of high bailiff is one of very large emolument, out of the proceeds of which he might, in virtue of such his office, pay all such outgoings, as is done in all other cities.—Your petitioner therefore prays, that your honourable House will cause due inquiry to be made into the amount of the large emoluments of the said high bailiff, and if they should be found sufficient for the above purpose, that your honourable House will not pass any other new bill, to throw more impediments in the way of free election. And your petitioner further prays, that in case your honourable House, after due inquiry, should think proper to pass any new law exclusively for the protection of the said high bailiff, your honourable House will not fail to introduce a clause to prevent him in future from suing by action of debt, but that his remedy under such new act should be an action by assumpsit only, which would effectually guard against any attempt at future extortion, and not deprive the subject of his writ of inquiry before a jury to assess the damages; or that your honourable House would, in such act, limit the sum to be paid to him for his charges on such occasions —And your petitioner, as in duty bound, will ever pray, &c.

"HENRY HUNT."

Ordered to lie on the table.

OXFORD CITY ELECTION—PETITION COMPLAINING OF THE CONDUCT OF THE DUKE OF MARLBOROUGH.] Mr. *Denman* said, he held in his hand a petition containing serious charges against a person of elevated rank. It complained of a breach of the privileges of that House, by the interference of a peer of parliament in the election for the city of Oxford. It did not allege an undue return, but

that the duke of Marlborough had been guilty of a violation of the rights of his majesty's subjects, by various illegal acts, committed for the purpose of influencing an election. The petitioners were persons of most respectable character, who had taken no part in the election; and he conceived that they were justified in their application to have their statement referred to a committee of privileges. He now moved, therefore, that the petition be read.

Lord *Charles Spencer Churchill* declared, that he had no wish to oppose the motion of the hon. and learned gentleman. From his own actual knowledge of the facts to which the petition referred, and from other circumstances, he felt the utmost confidence that the conduct of his noble relation would, upon inquiry, prove to be utterly undeserving of the imputations cast upon it. He should defer all further remarks till a future opportunity.

Mr. *Wynn*, as the petition did not complain of an undue return, and (as he understood from the hon. and learned gentleman) it did not proceed from persons claiming the right of voting for the city of Oxford, had no doubt that it ought not to be referred to an election committee. But he also wished to suggest to the House, that it might be very inconvenient to receive such a petition at all, until the period had elapsed within which a petition complaining of an undue return for the place in question might be presented; because, if it were referred to the consideration of a committee of privileges, the report of that committee might indirectly determine that question, respecting which there was yet time for a petition to be presented; namely, the validity of the return. He would put the case of an individual favoured by administration, who might think it more practicable to obtain his object, not by a reference to an election committee, but by a petition such as the present, which might allow him to canvass the House at large. On these grounds, he strongly recommended the hon. and learned gentleman to adopt the course of postponing his motion for the reception of the petition, until after the fourteen days had elaped which were allowed for the presentation of petitions complaining of undue returns. After that period, there could be no objection whatever to its reception, provided no petition complaining of an undue return for the city of Oxford was presented.

Mr. *Denman* expressed himself grateful for the advice of the hon. gentleman, but begged to state, that he was wrong in supposing that the petitioners were not freemen of Oxford, or were not qualified to vote. It appeared also to him, that the hon. gentleman had carried the effect of the act of parliament too far. It might be desirable that it should, but the law in its present state did not exclude any person from complaining to the House of a breach of privilege within the fourteen days. Every subject had, therefore, a right to expect that his complaint should be immediately considered. He thought, too, that the consequences of a report by a committee of privileges were somewhat exaggerated, when it was supposed that it would necessarily embarrass or mislead fifteen gentlemen, acting upon oath, whose duty it might afterwards be to advert to the same circumstances. Under these considerations, and with a full knowledge of the respectability of the petitioners, he did not feel himself justified in consenting to any delay.

Mr. *Wynn* observed, that he had understood the hon. and learned gentleman to have said, at first, that the petitioners had no local connexion with the city of Oxford. He felt, however, the difficulty which he had already urged to be so strong, that as the report of a committee of privileges must, if made, lie on the table till the fourteen days were expired, and as therefore there was no reason for dispatch, he should take the sense of the House upon the question of receiving this petition.

Mr. *Tierney* was of opinion, that the House should not, in the first instance, refuse to receive a petition of which they knew no more, generally, than that it complained of a gross breach of the privileges of that House. When it was received it might be postponed, or otherwise dealt with. Of the petition he knew nothing. His personal feelings were unquestionably in favour of the noble duke who was the subject of it; but, as a member of parliament, he felt it to be his duty to support the reception of the petition.

Lord *C. Churchill* repeated his solicitude, that the allegations of the petition should be thoroughly investigated.

Mr. *Wynn* would not object to the motion for laying the petition on the table, but if it were pressed any farther at present, he must decidedly oppose it.

The petition was then read. It alleged

various acts of bribery on the part of the duke of Marlborough, in furnishing entertainment, gifts, and rewards to voters at the late election for the city of Oxford, in order to procure the return of general St. John as one of its representatives in parliament. The petitioners offered to make good their charges before a committee of privileges, and in such case, prayed that the House would afford that relief to the realm and to the petitioners as in their wisdom should seem meet. On the motion, that the petition do lie on the table,

Mr. *Wynn* said, that now he had heard the petition read, he entertained considerable doubts whether it was not in itself an election petition. It appeared to him, that if any petition stated facts, which, if true, would render an election null and void, and that petition came from persons entitled to vote, it was to all intents and purposes an election petition. This was a petition from freemen, and it complained of an act, bribery, which, if it had really taken place, would render the election in question null and void. If the House were of opinion that it was an election petition, a day must be fixed for taking it into consideration. If they entertained any doubt on the subject, it might be expedient to adjourn the consideration of it to some future day.

The *Speaker* observed, that the House would see that this was a matter of great importance. If the House were clearly of opinion that it was an election petition, the regular course would be to withdraw it for the purpose of again presenting it in that form, to be taken into consideration in the usual way. If they were not satisfied on the subject, the most judicious way would be to adjourn the debate, to give honourable members an opportunity to look into the petition and to make up their minds. The words used in the petition were extremely strong, and he confessed he thought the House would find it most convenient not to decide off hand upon it.

On the motion of Mr. Wynn, the further debate on the question was adjourned to Monday.

SILVER CURRENCY.] On the order of the day being read for going into a committee of supply,

Mr. *Grenfell* took the opportunity to advert to the statement which he had made on Wednesday evening, that the price of standard silver had risen to three half pence an ounce beyond the Mint price; it being 5*s.* 7½*d.* an ounce. He had thought it his duty on the morning after he had made that statement to go into the city and inquire still further into the subject. From the best sources of information he found that the price of standard silver (not of dollars) at that time, at which price it still remained, was 5*s.* 7*d.* an ounce; or in other words, 67*s.* a pound. This fact placed the House and the country in a most whimsical situation. Were it not for the great public inconvenience which might arise from it, nothing could be more laughable. It appeared now that 66 shillings were 67! That the sum of 5*s.* 6*d.* was equivalent to the sum of 5*s.* 7*d.*! Sixty-six shillings in coin weighed exactly a pound. If a melter of silver put those sixty-six shillings into a crucible, the result would be a lump of silver which he might sell for sixty-seven shillings! This was one of the consequences of the continuance of the restriction on cash payments. When he had mentioned the subject the other day, the chancellor of the exchequer expressed some doubt as to the fact, and added, that at any rate he had reason to believe that the present price would not be of long duration. With every respect for that right hon. gentleman, and for his private character no man could entertain greater, although it was impossible for him to feel any confidence in him as chancellor of the exchequer, he was not of that opinion. He had no confidence in the right hon gentleman's anticipations. He could not but recollect the resolution which the right hon. gentleman had prevailed on the last House of Commons to adopt, namely, that in the estimation of the public, bank-notes were equivalent to the gold coin of the realm. The ink with which that resolution was written was scarcely dry, when, instead of being able in the market to obtain a guinea in exchange for a one pound note and a shilling, it became necessary to add four or five shillings to the pound note for that purpose. Perhaps the right hon. gentleman might say, that to export or melt the coin of the realm was illegal. True, there certainly was an impolitic, absurd, and ridiculous law to prevent the exportation or melting of the coin of the realm. It was a law founded on folly. True policy, according to all the ablest writers on the subject, from Locke down

to the present time, required that there should be no legal prohibition of that nature; and such a prohibition was as absurd as it was impolitic, since it was impracticable to prevent the coin from being exported or melted whenever the temptation to export or melt it was sufficiently strong. He had thought it necessary to call the attention of the House to this subject, because, if the present price of standard silver in the market should continue, the silver coin would follow the course which the gold coin had already taken, and entirely disappear. What plan would then be adopted by the right hon. gentleman, he knew not, unless, consistently with his system of forcing a circulation of paper pounds, he should endeavour to introduce a currency of paper shillings.

Mr. *Wellesley Pole* wished to say a few words on this subject. The hon. gentleman would recollect, that when the new coinage was under consideration in the last parliament, it appeared to be considered by every one as expedient, in order to prevent the two metals clashing as coin, to make the coin of one of the metals of standard value, and the coin of the other to serve as a kind of counters in exchange. In this proposition he understood that the hon. gentleman concurred, and that the only difference between them was as to the amount of the seigniorage on the silver coin for the purpose in question; it being the opinion of government, that 6 per cent would be sufficient, while the hon. gentleman, if he recollected right, thought that a seigniorage somewhat higher—he believed 10 per cent—would be better. [Mr. Grenfell, in explanation, denied having expressed any such opinion.] He had certainly understood the hon. gentleman to have stated it as his opinion, that the seigniorage should be fixed at 10 per cent rather than at 6 per cent; but he now stood corrected. The hon. gentleman must still admit the correctness of the principle, that one precious metal should be made the standard of value, and that the other metals should be considered as counters, and be reduced in value, in order to prevent them from coming into competition with that which was the standard. This was the only plan that could be adopted for preserving the coin in the country; and yet this very principle, which the hon. gentleman approved, had produced that effect which he represented as so ridiculous. This he held to be highly inconsistent—at the same time to admit the principle, and to ridicule the effect.—There was another consideration which bore directly on the question, but which had been entirely overlooked by the hon. gentleman. By another regulation there was an additional guard provided for the preservation of the silver coin, namely, that that coin should not be considered a legal tender for more than 40*s*.—He agreed with the hon. gentleman in thinking that the law against the exportation of the coin of the realm was worse than foolish; for, as it stood at present, it was only an incentive to crime. This defect in the law had not escaped the observation of his majesty's ministers; but what could they do? The law had not been made by them; it had existed from time immemorial. It appeared to him that it would form a very proper subject for investigation by a committee. The hon. gentleman had stated, and he believed the statement correct, that the present price at which silver stood in the market, was 5*s*. 7*d*. per ounce—that is, 1*d*. per ounce above the Mint price. The consequence was, that for bullion which at the Mint price was worth only 66*s*. 67*s*. would be given in the market. This result had been represented in a ludicrous light by the hon. gentleman, but for his own part, if he wanted a pound of silver ready weighed, he would rather take the bullion at a penny more than be at the trouble of weighing it. There was another circumstance which had been overlooked, but which he thought worthy of notice, as it tended to show how fluctuating the price of silver was, and how difficult it was to counteract the effects of accidental circumstances. At present the price of dollars was 2*d*. per ounce lower than that of standard silver, and yet two ounces of dollars sold higher than the same quantity of standard silver. The truth was, that at present there was a great demand for dollars: that demand, however, was temporary, and he had no doubt would soon be over. The present high price of silver, he hoped, would soon fall; but if, contrary to his expectations, it should still continue, he thought it would be proper to appoint a committee to inquire into the subject. If it should appear to that committee that there was so great a rise in the price of bullion as to endanger the coin, he knew only one remedy

that could be applied, and that was a legislative measure. It was his firm conviction, however, that the present seigniorage was sufficient to protect the coin. With regard to that part of the hon. gentleman's speech, which involved the question of our currency, and which was more immediately directed against his right hon. friend, the chancellor of the exchequer, he regretted that he could not follow him. He would state candidly and honestly, that he had endeavoured to make himself master of the question, but that he always found it necessary to speak with great diffidence on the subject. He perceived, indeed, that no two persons agreed in their views of the subject. He had carefully read all the pamphlets that professed to discuss the question, and he found that no two of them agreed; he had consulted the Bank directors, and their opinions did not agree; the two sides of that House could not agree in their views of the question, and even on the same side no two members could agree. If he should be appointed a member of the committee which was to be appointed, he would certainly give the subject all the attention he could, believing, in his conscience, that this vital question could never be satisfactorily elucidated, but by a diligent and laborious committee, who forgetting all party feelings, should enter on the investigation of it with a sincere determination to ascertain, if possible, its real merits.

Mr. *Wilson* said, that he felt considerable embarrassment on rising to give his opinion upon a question of such great importance, but trusted to the indulgence of the House for his want of being adequately acquainted with a subject, which a right hon. gentleman on the floor had admitted himself hardly equal to. He was aware that the Bank restriction was an unpopular subject. It might, no doubt, be matter of consideration for the House whether or no any restriction should be put upon the extension of the issue of bank paper; but he was himself decidedly of opinion, that should this be the case, and the issue be too much circumscribed, the trade of the country would suffer in proportion. With respect to the specie, it must be liable, from the state of the exchanges, to continual fluctuation. The present high price of silver was, no doubt, attributable to the great demand for India, America, and other foreign parts; and if specie were now generally in circulation, its progressive diminution by exportation must produce much inconvenience to the country. In answer to a question from an hon. member on the other side, what was to be done, if all the silver should be melted down? he said, have recourse, as before, to tokens of a value that would not offer temptation to melt or export; yet he doubted, whether that would not be objected to by hon. members opposite, and whether it would not be directly attacked as a fraud upon the public, and as giving them only 15*s.* in the pound, or something like a dividend on their just demands.

Lord *Archibald Hamilton* said, he rose to notice an observation or two, which had fallen from the right hon. gentleman opposite. He understood that right hon. gentleman to say, that the proportion fixed at the Mint was such as to secure the silver coin from being melted down. But it was necessary to bear in mind, that that proportion was settled with reference to gold, and not with reference to paper. He would ask, whether it was possible to fix any proportion which would secure the silver coin against the depreciation of paper? If he meant to say, that the proportion was fixed with relation to gold, then he would say this was of no effect: if it was fixed to guard against the depreciation of paper, then he would say the right hon. gentleman had attempted to do that which was impossible. If it referred to paper—he would ask him, whether, if paper were now depreciated to that extent which they had already seen, he thought it would be possible to secure the silver coin? The assertion of the right hon. gentleman then, either had nothing to do with the question, or it could not be made good. The right hon. gentleman had enlarged on the inconsistencies of political economists on this question; but he thought the right hon. gentleman might find still greater inconsistencies in the honourable and right hon. gentlemen who voted with each other on the question. They all recollected the resolution of a right hon. gentleman, for it was not the resolution of the House, that the pound note and a shilling were equivalent to a guinea, at the very time that it was notorious, that a guinea was worth a great deal more, and when ministers were permitting that to be done, which, by this resolution, it was said there was no occasion for doing. He should like to know what the opinion

of ministers was when the sovereigns were coined. If they thought the sovereigns would not stay in the country, then they were guilty of a criminal act, in putting the country to an unnecessary expense; and if they thought that they would remain in the country, they were guilty of an egregious mistake. There was but one evil—the Bank restriction; and there could be but one cure—the convertibility of paper into the proper coin of the realm.

Mr. *Tierney* said, that the right hon. the master of the Mint had totally mistaken the object of his hon. friend. His hon. friend wished to show that the market price of silver had risen above that established by the Mint regulation, and that, in consequence, there was a danger of all our silver coin being carried out of the country. In reply to that, the right hon. gentleman had made a variety of statements and remarks no way contradicting his hon. friend's assertion, and bearing no relation whatever to the subject. The right hon. gentleman had expressed, as the only source of consolation for the country, his hope, that the great drainage of the silver currency, which he admitted, would not continue. The right hon. gentleman boasted of having studied the subject deeply; of having given it every consideration of which his mind had been capable; but he had concluded with declaring that all his reflection and investigation, could find no remedy but the appointment of a committee of that House. The right hon. gentleman said, he had read all the pamphlets that had been written on the subject. He would advise him to read one more—which it appeared he had not seen, and which had come into his own hands only that morning. He could assure the right hon. gentleman it would reward his pains. It was a letter to the right hon. Robert Peel, from one of his constituents, a member of the university of Oxford. Who the constituent of Mr. Peel was, he did not know, but he would say of him, whoever he was, that he was an honour to the University of Oxford. The right hon. gentleman had told them he was one of his majesty's ministers, who had always thought they would best get out of their difficulties by going into a committee. And this was the opinion which the right hon. gentleman had come to, after exercising all the intelligence which God had given him. If this had always been the opinion of the right hon. gentleman, God knew what a minority he must have been in!

Mr. *W. Pole* said, that the right hon. gentleman had attributed to him what he never uttered. He had not said that he had always thought it would be best to go into a committee; but that he now thought that, in the situation in which things stood, the best thing would be a committee. The right hon. gentleman had endeavoured to exhibit him in a ridiculous light. He did not disapprove of the course adopted by the right hon. gentleman on this occasion. It was his usual practice, when he could not answer any thing, to have recourse to ridicule. There was no man who was more happy than the right hon. gentleman when he chose to avail himself of ridicule. However, if he had the advantage of the argument, he did not envy the right hon. gentleman the advantage which he derived from his powers of ridicule; though he was sorry that he himself had come in for the first share of it. He had endeavoured to give such information as it was in his power to state, and he had stated his conscientious opinion that the fairest way to reconcile all the clashing interests and opinions would be to go into a committee. The right hon. gentleman had closed his speech with some advice, of which he should endeavour to avail himself; but he could assure him it was not with a view of making a parade of reading, that he had mentioned the books and pamphlets read by him. This was, of all things, the farthest from his thoughts. He had merely stated them to show the difficulties in which the subject was involved, and as a reason for his thinking that a matter of such intricacy would be the best settled by the intelligence of the House, chosen, as he hoped it would be, by ballot, which would give every member the power of putting into the glass the names he really thought best calculated for the service.

HOUSE OF LORDS.

Monday, February 1.

DUTCH COLONIES—CESSION OF JAVA.] The Marquis of *Lansdowne* rose, pursuant to the notice he had given, to move an address to the Prince Regent, for copies of the instructions transmitted by his majesty's secretary of state to the governor of Java, for the surrender of that island to the commissioners appointed by the

Dutch government to receive it; and also for a copy of the protest of sir Thomas Raffles against the proceedings of the Dutch authorities in the Malayan Archipelago, dated the 12th of August, 1818. In bringing forward this motion it was far from his intention now to call in question the principles on which the cession of the Dutch colonies to the government of the Netherlands had been made. Whatever doubts some might entertain of the propriety of that measure, at a time when the Dutch were receiving a great accession of territory in Europe—however much some of them might be disposed to condemn the policy of again restoring the Dutch colonies, that question must now be assumed to be completely precluded. The subject to which he had now to call their lordships attention, was not the principles on which the treaty had been concluded, but the manner of its execution, in which he considered the honour, the policy, and the interests of the country to have been involved. The circumstance which induced him to submit the present motion to their lordships had its origin in our occupation of the island of Java. It would be recollected, that in the year 1811, lord Minto, then governor-general of India, despatched an expedition to Java, which took possession of that settlement. Whatever degree of merit belonged to that eminent statesman, for the exertions he made to reduce Java, and place it under the British dominion, still greater merit must be ascribed to the same distinguished person, for establishing in that island a government capable of drawing forth all its resources, and converting the possession into a source of wealth and prosperity for this country. What importance was attached to this conquest, and what advantages were anticipated from it, would be seen by reference to the Speech from the throne in 1812, and by the votes of parliament. Their lordships were doubtless aware, that all the anticipations of advantages from this operation had been more than fulfilled by Java being raised, in a short space of time, to a greater degree of prosperity than any other colony in the Indian seas. To what was this prosperity to be ascribed? Unquestionably to the measures of lord Minto, and to the care and ability of sir Thomas Raffles, to whom his lordship intrusted the government of the colony. That gentleman established wise regulations, by which industry and commerce were protected, and full security given to the natives. As soon as the government was settled, it was discovered that there was a population in the interior, of a magnitude and importance either far greater than the Dutch knew of, or than their policy permitted to be known to others. It was found that the inhabitants of the interior amounted to between four and five millions. Some of the princes near the coast had submitted to the Dutch, but others were perfectly independent. With these princes the British government formed treaties of a beneficial nature to this country, while they were at the same time highly advantageous to the other parties. It was not necessary that he should enter into the details of these treaties, or describe the beneficial effects of all of them: it would be sufficient if, by way of illustration, he confined himself to one; the unfortunate result of which had been the principal motive for his bringing forward the present motion. Soon after the establishment of the British government in Java, it was discovered that great advantages might be derived from the occupation of the island of Banca, which was most favourably situated for carrying on commerce with China. The British governor did not attempt to take forcible possession of the island, but finding it under the dominion of the sultan of Palembang, proceeded to negotiate a treaty with that sovereign, by which the island was formally ceded to Great Britain. In return for this cession, the other dominions of the sultan were guaranteed to him. But their lordships would mark what soon ensued. In the course of a few years it was agreed to restore to the Dutch the colonies which had been taken from them in the Indian seas. It was stipulated, that they should have all the colonies which were in their possession in the year 1803. Now, this island of Banca had never been in their possession, and therefore was not included in the terms of the stipulation. A separate article was, however, agreed to, by which Banca was also surrendered to the king of the Netherlands. This cession was made to the Dutch for a valuable consideration, namely, for Cochin; but while we thus obtained the advantage of the possession of Banca, no care was taken to secure the interests of the sultan of Palembang, who consequently claimed that protection to which he was entitled by the treaty. The British governor, who

had received orders merely for the surrender of the colony, had no power to insist on any conditions in favour of the sultan. He was, therefore, under the necessity of confining himself to making a protest against the infringement of the rights secured to that sovereign by treaty; but this protest was no sooner made than the Dutch commissioners turned round on him, and asked, whether he had any instructions on the subject of that protest from Europe. As it appeared to them that he had received no instructions from his government, they referred him to the letter of the treaty concluded with the king of the Netherlands, and insisted on its strict execution. In this state of things sir Thomas Raffles found himself obliged to agree to the unconditional surrender of the island. The Dutch having thus obtained possession, soon proceeded to make encroachments on the rights of the sultan of Palembang, subverted his authority, and paid no respect whatever to the treaty by which the British government had guaranteed to him the full sovereignty of his dominions. Sir Thomas Raffles had again endeavoured to obtain justice for this unfortunate sovereign, by making another fruitless protest from Fort Marlborough, the seat of his present government, and that protest was one of the papers which he wished to be submitted to the consideration of their lordships.—Upon the consideration of all he had stated, he would now ask their lordships, whether this was not a case which affected the honour and character of the country? It surely would not be said, that the difference between the form of the governments of the East and our own was a reason for not keeping faith with them. If such an argument were set up, he would ask, upon what ground any treaties were negotiated there? When their lordships considered that this country was often obliged to enter into treaties with nations in the East, to which the policy of Europe was very little known, they would see the necessity of avoiding any conduct which was calculated to excite a suspicion of our good faith. Our Indian dominion extended over many millions of people, whom we could never hope to govern by force. In all engagements entered into with such people, it was necessary to impress on their minds, that they could rely with full security on the execution of all stipulations made with the British government. The noble marquis concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent for Copies of the Instructions and Protest mentioned in the opening of his Speech."

Earl *Bathurst* said, he should not object to the production of copies of the instructions which had been transmitted, for the surrender, in the terms of the treaty, of the colonies which were in possession of the Dutch in the year 1803; but if the noble marquis wished to obtain copies of the instructions which were sent out after communications on the subject of the cession had taken place between the Dutch and English commissioners, these were documents of a very different description, and he could not consent to their being made public. There were points connected with the transaction still under discussion between the two governments; and, in such a state of affairs, their lordships would readily perceive the propriety of his withholding any communication of the documents on which these discussions were founded. It seemed to be the opinion of the noble marquis, that it was the duty of his majesty's government, before they surrendered Java, to exact from the Dutch commissioners a pledge that they would abide by the treaty contracted with the sultan of Palembang while the island was in our possession; but no such pledge could be required, for, had any conditions been demanded before Java and Banca were given up, such a demand would have been a violation of the treaty concluded with the king of the Netherlands, in which surrender was unconditionally stipulated. He did not mean to say, that representations had not been made on the subject at the time; but only that we had no right to hold possession till an arrangement should be made. Any agreements entered into with native authorities must have been concluded, either with princes who were subject to the former Dutch government, or those who were independent of it. If with the former the superiority of the Dutch government was restored by the terms of the treaty; and in no arrangement made with the independent princes, was it ever declared, either by the British government, or the directors of the East India company, that Java would not be surrendered until the Dutch government agreed to recognize their claims. His majesty's government had agreed to cede the full so-

vereignty of Banca to the Dutch government, and received in return the sovereignty of Cochin. If we had not possessed the full sovereignty of Banca, we could not have fulfilled this agreement. The Dutch would have retained Cochin, and then Banca would have remained in the situation in which it stood before Java was taken. At that time the Dutch had an establishment at Banca, which they would have replaced; so that, consistently with the letter of the treaty, both places would have been in their power. It was true, that on the surrender of Banca by the sultan of Palembang, we had acknowledged him an independent sovereign; but it was never understood that this country was therefore to protect him against the aggressions of every other power. He did not mean to justify the conduct of the Dutch government, but only to contend that there was nothing in the treaty which imposed upon this country the duty of protecting the sovereign of Palembang. He admitted, however, that the question was one which might fairly be a subject of amicable discussion between the governments of this country and the Netherlands. He trusted that this country would always strictly maintain her engagements; but it certainly would not be prudent to search out opportunities for an unnecessary and officious interference in the concerns of other governments. With regard to the protest, he could not agree to its production. Sir Thomas Raffles had been governor of Java. Charges were brought against him for his conduct in that situation; but, on an investigation, he was fully and honourably acquitted, and was afterwards appointed to his present situation. A few days before his departure he represented, that if he went out only as head of the residency in the neighbourhood of another of which he had been governor, he would be placed in a disagreeable situation, as it might appear to many that the charges against him had been thought well founded. Upon this representation it was agreed that he should have the nominal appointment of lieutenant governor, but he was expressly instructed to consider himself in fact, as merely the commercial resident, and as having no political authority whatever. This being the case, he was surprised how any political character could be ascribed to the protest, and he would leave it to their lordships consideration, whether under such circumstances it would not be very improper to lay that document on the table. If the noble marquis would agree to confine his motion to the first instructions he should not oppose it.

Lord *Holland* thought that the noble earl had completely failed in his answer to the statements of his noble relation. The noble earl had endeavoured to show, that in consequence of a deficiency in point of form, part of the information called for was not fit to be presented to their lordships; but he had said nothing to remove the impression produced by the speech of his noble relation, namely, that a transaction had taken place with respect to the surrender of Java, which deserved the serious inquiry of parliament. In moving for the instructions sent to the governor of Java, his noble friend had inferred nothing with respect to these instructions as to the subject of the treaty with the sultan of Palembang. His noble friend merely wished to ascertain whether the terms of the treaty were to be considered as absolute, or whether there had not been some understanding between the two governments on the subject of the surrender of Java, which might have served to modify those terms. Without some such understanding, there was a breach of faith with the native princes with whom treaties had been concluded. We who pretended to go about the world to teach moral lessons to mankind, were particularly called upon to give examples of good faith in the maintenance of treaties. The sultan of Palembang surrendered Banca for what he considered an equivalent, and of that compensation he was now to be deprived. The noble earl had said, that we made no promise to retain possession, of Java but did he mean to contend, that it was just to deliver over to another power a sovereign with whom we had recently made a treaty, without asking any security for the fulfilment of the engagements into which we had entered? This would be an assertion in direct contradiction with the law of nations, and, what was far more important, with the feelings and common sense of all mankind. It would have looked much better had the noble earl said, that those who made the treaty with the government of the Netherlands were ignorant of the agreement entered into with the sultan of Palembang. In that case there would be an acknowledgment of great carelessness; but the colour which the noble lord had endeavoured to

put on the transaction gave it a far deeper die. He had objected to the protest, that it was unofficial: but if his noble friend obtained that document, his next step would be to move for the treaty concluded with the sultan of Palembang. But it was said, why move for all the instructions? The answer was, that though nothing appeared on the face of the treaty, these instructions might show what really were the views of the two governments with respect to this affair. The noble earl founded an argument on the circumstance of the Dutch having had a settlement on the island of Banca; but the real state of the fact was, that we had obtained the full sovereignty of that island, on a bargain with the sultan of Palembang, and had afterwards ceded that sovereignty to the Dutch, leaving the sovereign from whom we received it without any security for the stipulation into which we had entered with him. He must consider the honour of the country very much sacrificed, if the government did not insist on the fulfilment of that stipulation by the Dutch. It might, perhaps, be thought by persons of authority in some other countries, that a great advantage was to be obtained by lowering the character and credit of Great Britain. It might suit their policy to say to nations in remote parts of the globe, "You see what you gain by entering into agreements with the English. Whatever stipulations they may make with you, they are certain to sacrifice you to their general system of policy, whenever they make peace with their neighbours in Europe." This was a consideration which, he thought, ought to induce their lordships to insist on the production of the information asked by his noble friend, in order that the whole matter might undergo a full investigation.

Earl *Bathurst* in explanation, said, that the question of our right to interfere in favour of the sultan of Palembang might be determined by the nature of the transaction between him and the government of Java, by which he acquired the sovereignty of which the Dutch threatened to dispossess him. If the treaty was a finished transaction, if the exchange of the sovereignty of Palembang against that of Banca was completely executed; then we had done all that on our part we were bound to do. After he acquired from us the sovereignty of Palembang by ceding Banca, our part of the engagement was fulfilled. He was then left to conduct himself as best suited his own interest, and to take those measures most calculated for his protection. We did not stipulate to guarantee him against all aggression, and, whatever we might be disposed to do for him, were not to protect him in the enjoyment of the acquisition he had made. By receiving Banca in full sovereignty from him, and transferring to him the full sovereignty of Palembang in return, we had done all that we were bound by treaty to perform: the convention was executed; the transaction was complete; and nothing that happened with a reference to the sultan, from those that succeeded us in the government of Java, imposed upon us the necessity of interfering in his behalf. The British government, however, had entered into negotiations with that of the Netherlands on the subject, and what rendered those transactions complicated, and appeared to countenance the Dutch colonial administration in the steps it had taken was, that the Dutch, before 1803, had a factory at Palembang, and by the treaty of Paris in 1814, the possessions within their dominion at the former epoch, and subsequently conquered by us, were to be restored. The question now under discussion between the two governments was, had the right of the Dutch to this settlement been restored at the peace? He suggested, that the noble marquis, in order to have complete information, should amend his motion, by adding to it, "the treaty concluded between the lieutenant-governor of Java and the present sultan of Palembang, by which the sovereignty of Banca was ceded to us in exchange for that of Palembang."

Lord *Holland* contended, that if we had received the sovereignty of Banca for that of Palembang, and if we still retained what was given as the equivalent, we were bound to support the sultan in the rights which he had acquired by the transfer.

The Earl of *Liverpool* said, that the treaty and the instructions in question might be granted, but the protest could not, and for this plain reason—that it was not an official document, it being made by a person who had no right to make it. In the discussion that might arise after the other papers were laid on the table, in consequence of the present motion, the subject might be considered in all its bearings, with as much information and latitude as if the protest was actually produced. He would not refer to the other

parts of the question, till the papers moved for were laid on the table. He must, however, animadvert on an omission in the noble lord's observations, in reply to his noble friend. The noble lord had argued as if the government of this country had done nothing; whereas, his noble friend had mentioned, that discussions on the subject were even now going forward between the two governments. The noble lord opposite had proceeded on the idea that we could have withheld the cession of Java and its dependencies till the king of the Netherlands agreed to receive these dominions, subject to the engagements into which, during our temporary possession, we had entered with the native princes. This point could not be maintained, when it was recollected, that the treaty of Paris was entirely unconditional. To have refused the restoration of these colonies, therefore, till the Dutch government entered into our compacts, or submitted to any proposed conditions, would have been on our part a breach of faith. He did not mean to enter now into the general question, but he could not help entering his protest against a doctrine advanced by the noble lords opposite, or implied in their observations, which went to militate against one of the clearest and most generally recognized laws of nations. The doctrine he alluded to was, that conquest gives sovereignty, and that by conquering the islands or colonies of our enemy, we were entitled to consider them as our own in perpetuity. Now he would, on the contrary, maintain, that the conquest of colonies gave us no right to consider them as appropriated; and that the sovereignty resided in the state from which they were conquered, till their final cession by treaty, after peace. All arrangements of such possessions, and all engagements entered into, as administrator of them, by the conquerors, could only be regarded as temporary and conditional, and might cease to be binding after their restoration, unless specially provided for by particular treaties. Nothing had happened in these eastern colonies, nor was any thing authorized by the government, to allow a conclusion to be drawn regarding them, different from what was forced upon us in other cases. They were conquered by us in the same manner as we had conquered other colonies, they were held by us as a conquest: it was contemplated that they might be restored at the peace, and, therefore, any engagements that we entered into as their temporary possessors, could only be considered as temporary, unless specially guaranteed by treaties independent of our temporary rights.

The Marquis of *Lansdowne* said, he would withdraw so much of his motion as referred to the protest, not because he allowed the justice of the objection stated to its production, but because he did not see that it would be necessary to the discussion if the other papers were granted, and because the whole subject might thus be brought under the review of the house by other means of information. With regard to the terms of his motion regarding the instructions, they might be modified so as to include what the noble lords opposite were willing to produce. He did not move for the treaty of Paris as regarding this question, because it was already before the House. The noble earl opposite had stated, that the Dutch had a factory at Banca before 1803; but that establishment was not equivalent to the sovereignty of the island, or why was the cession of it made a particular article of the treaty, and not included in the general engagement to restore the Dutch colonies? The island was, therefore, not considered as belonging to the Dutch before 1814; it was not given them by us for nothing—we received in exchange for it a valuable consideration in perpetuity. If, then, the sovereignty of this island was transferred to us in perpetuity, and if for it we had received the permanent settlement of Cochin, how could it be contended that our engagement with the sultan was merely of a temporary nature? The noble earl who spoke last had said, that the treaty of Paris was absolute and unconditional; and was not that with the sultan of Palembang, by which we received a valuable colony, absolute too? The sultan had relied on the permanency of his acquisition as much as we did on ours; and were the advantage and security to be all on one side? The rule of the unconditional surrender of conquests could not apply to Banca, because Banca had not been conquered from the Dutch. The noble marquis concluded by reading his motion, which included copies of the two warrants, by which Java and its dependencies, and the island of Banca, were surrendered to the Dutch in 1814, and a copy o ithe treaty concluded between the government of Java, when under the British dominion, and the sultan of Palembang, regarding the cession of Banca.

The motion was agreed to.

HOUSE OF COMMONS.

Monday, February 1.

London New Prison.] The sheriffs of London presented a petition from the city of London, praying for leave to appropriate a certain portion of the unclaimed dividends of the Orphan Fund, towards the liquidation of the expenses attending the building of the New Prison.

Mr. *Holme Sumner* said, that this was a petition precisely similar to one which was presented last year. He had then said, before the city of London could claim the funds of others for their own purposes, they ought first to show that their own funds were insufficient. He had then moved for certain accounts in order to ascertain this. No answer was returned to the order for these accounts for more than three months, and at last, instead of complying with the order, the city of London presented a petition to the House to reconsider the matter: in short, rather than show the accounts, the city of London withdrew their bill. He now gave notice, that whenever they moved for leave to bring in a bill for the object in question, he should move for the production of the accounts of the city.

Mr. *Waithman* said, he had not sat in the House last session, nor had he taken a part in the debates on the subject elsewhere. He would however say, that the corporation of London were ready to show all the accounts which, in common fairness, they were bound to show to the House; and they would make it appear, that their application in this case was founded on reason and justice. They not only supported their own prisoners, but also those of the county of Middlesex. Now, the prisoners of the county of Middlesex were, to those of the city of London, in the proportion of five to one. When it became necessary for the city of London to erect a new prison at a great expense, chiefly on account of the prisoners of the county of Middlesex, surely it was but fair and reasonable that they should derive assistance from the Orphan Fund.

Mr. Serjeant *Onslow* admitted, that the worthy alderman was not in parliament when this subject had last come before the House. On that occasion, when the House ordered the corporation to produce their accounts, they did not do so; but they abandoned the attempt for that time. As to what had been said, relative to a gaol for the accommodation of Middlesex prisoners, if the corporation have expended money in the erection of such a prison, the more regular way was, to raise that money by a local tax. He did not comprehend why coals, one of the most necessary articles of life, should be taxed in the counties of Surrey, Oxford, Essex, and Kent, merely because the corporation of London had built a prison, in which prisoners for the county of Middlesex were confined. As a representative of the county of Surrey, to which place the tax would extend, he would protest against the prayer of the present petition on principle, and would submit to the House, that it would be impossible to entertain it for a moment until those accounts which had been formerly ordered, and which had been never furnished, should be laid before them.

Ordered to lie on the table.

Papers relating to the Congress at Aix-la-Chapelle.] Lord Castlereagh presented, by command of the Prince Regent, the following

Papers relating to the Congress at Aix-la-Chapelle in October and November, 1818.

No. 1.—Convention between his Britannic Majesty and his Most Christian Majesty, for the evacuation of the French territory by the allied troops.—Signed at Aix-la-Chapelle, October 9, 1818.

In the Name of the Most Holy and Undivided Trinity.

Their majesties the emperor of Austria, the king of Prussia, and the emperor of all the Russias, having repaired to Aix-la-Chapelle; and their majesties the king of the united kingdom of Great Britain and Ireland, and the king of France and Navarre, having sent thither their plenipotentiaries; the ministers of the five courts have assembled in conference together; and the plenipotentiary of France having intimated, that in consequence of the state of France, and the faithful execution of the treaty of November 20, 1815, his most Christian majesty was desirous that the military occupation stipulated by the fifth article of the said treaty, should cease as soon as possible, the ministers of the courts of Austria, Great Britain, Prussia, and Russia, after having in concert with the said plenipotentiary of France, maturely examined every thing that could have an influence on such an important decision, have declared, that their sovereigns would admit the principle of the evacuation of the French territory at the end of the third year of the

occupation; and wishing to confirm this resolution by a formal convention, and to secure, at the same time, the definitive execution of the said treaty of November 20, 1815,—his majesty the king of the united kingdom of Great Britain and Ireland, on the one part, and his majesty the king of France and Navarre on the other part, have, for this purpose, named as their plenipotentiaries, viz. His majesty the king of the united kingdom of Great Britain and Ireland, the right hon. Robert Stewart, viscount Castlereagh, knight of the most noble and illustrious order of the Garter, a member of the imperial parliament of Great Britain and Ireland, colonel of the Londonderry regiment of militia, a member of his Britannic majesty's most honourable privy council, and his principal secretary of state for foreign affairs, &c. &c. and the most excellent and most illustrious lord Arthur, duke, marquis, and earl of Wellington, marquis Douro, viscount Wellington of Talavera and of Wellington, and baron Douro of Wellesley: a member of his Britannic majesty's most honourable privy council, a field marshal of his forces, colonel of the royal regiment of Horse-guards, knight of the most noble and most illustrious order of the Garter, and knight grand cross of the most honourable military order of the Bath; prince of Waterloo, duke of Ciudad Rodrigo, and a grandee of Spain of the first class, duke of Vittoria, marquis of Torres Vedras, conde of Vimeira in Portugal, knight of the most illustrious order of the Golden Fleece, of the military order of Saint Ferdinand of Spain, knight grand cross of the imperial military order of Maria Theresa, knight grand cross of the military order of Saint George of Russia, of the first class, knight grand cross of the royal and military order of the Tower and Sword of Portugal, knight grand cross of the royal and military order of the Sword of Sweden, &c. &c. &c.—And his majesty the king of France and Navarre, the sieur Armand Emanuel du Plessis Richelieu, duke of Richelieu, peer of France, knight of the royal and military order of Saint Louis, of the royal order of the Legion of Honour, and of the orders of Saint Andrew, Saint Alexander Newsky, Saint Anne, Saint Wladimir, and Saint George of Russia; his first gentleman of the chamber, his minister and secretary of state for foreign affairs, and president of the council of his ministers;—who, after having mutually communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

Art. I.—The troops composing the army of occupation shall be withdrawn from the territory of France by the 30th of November next, or sooner, if possible.

Art. II.—The strong places and fortresses which the said troops occupy, shall be given up to commissioners named for that purpose by his most Christian majesty, in the state in which they were at the time of their occupation, conformably to the ninth article of the convention concluded in execution of the fifth article of the treaty of November 20th, 1815.

Art. III.—The sum destined to provide for the pay, the equipment, and the clothing of the troops of the army of occupation, shall be paid, in all cases, up to the 30th of November next, on the same footing on which it has existed since the 1st of December, 1817.

Art. IV.—All the accounts between France and the allied powers having been regulated and settled, the sum to be paid by France to complete the execution of the fourth article of the treaty of November 20th, 1815, is definitively fixed at 265 millions of francs.

Art. V.—Of this sum the amount of 100 millions, effective value, shall be paid by inscriptions of *rentes* on the great book of the public debt of France, bearing interest from the 22nd of September, 1818. The said inscriptions shall be received at the rate of the funds on Monday the 5th of October, 1818.

Art. VI.—The remaining 165 millions shall be paid by nine monthly instalments, commencing on the 6th of January next, by bills on the houses of Hope and Co. and Baring, Brothers and Co., which, as well as the inscription of *rentes*, mentioned in the above article, shall be delivered to commissioners of the courts of Austria, Great Britain, Prussia, and Russia, by the royal treasury of France, at the time of the complete and definitive evacuation of the French territory.

Art. VII.—At the same period the commissioners of the said courts shall deliver to the royal treasury of France the six bonds not yet discharged, which shall remain in their hands, of the fifteen bonds delivered conformably to the second article of the convention concluded for the execution of the fourth article of the treaty of November 20th, 1815. The said commissioners shall, at the same time, deliver the inscription of seven millions of rentes, created in virtue of the eighth article of the said convention.

Art. VIII.—The present convention shall be ratified, and the ratifications thereof exchanged at Aix-la-Chapelle in the space of a fortnight, or sooner if possible.—In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms. Done at Aix-la-Chapelle, the 9th day of October, in the year of our Lord 1818.

(L. S.) Castlereagh. (L. S.) Richelieu. (L. S.) Wellington.

No. II.—Protocol between the five Cabinets, signed at Aix-la-Chapelle, the 3d of November, 1818.

The Duke de Richelieu represented at the conference, that the terms for the payment of the 265 millions to be furnished by France, according to the Convention of the 9th of October, having been fixed at very near pe-

riods, a too rapid exportation of specie has been occasioned, which tends to produce a depreciation in the inscriptions of *rentes*, equally injurious to the interests of all the contracting parties. To remedy this inconvenience, the duke de Richelieu proposed the following arrangements:—

1st. That the 165 millions which France ought to discharge, according to the sixth article of the convention, by nine equal monthly instalments, from the sixth of January to the 6th of September next, shall be paid by twelve monthly instalments, from the 6th of January to the 6th of December inclusive; the interest for the delay of three months being made good by France, at the rate of five per cent.

2d. That the 100 millions to be discharged by inscriptions of *rentes*, according to the fifth article of the said convention, and for which the different governments have treated with Messrs. Baring and Hope, shall be realized by payments made at the same epochs, and with the same allowance of interest, by the drawers, on account of the delay which shall be granted them.

3rd. That arrangements shall be adopted with the above-mentioned houses, in order that the bills drawn upon them, conformably to Article VI. may be paid in assets at the different places which may suit the convenience of the governments interested, in such a manner as to effect their discharge, and avoid the removal of too great a mass of specie.

M. M. the ministers and plenipotentiaries of Austria, Great Britain, Prussia, and Russia, were unanimously of opinion to admit the proposition of the duke of Richelieu, with the proviso that, with respect to Article III. particular arrangements shall be contracted with Messrs. Baring and Hope, to fix the terms on which the assets in foreign funds shall be accepted; and also that, in order to facilitate these arrangements, Mr. Baring should be invited to come to Aix-la-Chapelle, to take measures for that purpose, in concert with the persons charged with this business.

Prince Hardenberg moreover placed on the Protocol the subjoined observations and reservations, relative to the private arrangement that the Prussian government entered into with Messrs. Baring, for the part of the payments stipulated by the convention of the 9th of October, which accrue to the said government.

(Signed) METTERNICH.
CASTLEREAGH.
WELLINGTON.
HARDENBERG.
BERNSTORFF.
NESSELRODE.
CAPO D'ISTRIA.

Subjoined to the Protocol of the 3rd November, 1818.

If the Prussian government consents to the proposed modifications of the pecuniary stipulations of the convention of the 9th of October, it is in the threefold supposition—1st. That its private arrangement with Messrs. Hope and Co., and Baring, Brothers, and Co., remain entire, except with regard to such modifications as the Prussian government may ultimately agree upon with those houses. 2nd. That the loss which may result from the proposed payment in assets, upon foreign places, shall be made good to the allied sovereigns; and—3d. That the guarantee already stipulated for the payments agreed upon, shall also extend to the more remote periods now required.

No. III.—PROTOCOL between the five Cabinets. Aix-la-Chapelle, Nov. 11, 1818.

According to Articles 5 and 6, of the convention signed on the 9th of October last, between France and the courts of Austria, Great Britain, Prussia, and Russia, the sum of 265 millions of francs (still remaining to he paid by France for the entire fulfilment of the 4th article of the treaty of the 20th of November, 1815), is to be liquidated and discharged by the inscription of a *rente* of 6,615,944 francs in the "*Grand Livre*" of the public debt of France, and by the immediate delivery of bills, forming a total of 165 millions of francs, real value; the said bills payable at Paris, drawn by the treasury of France, and accepted by the firms of Hope and Co. Baring, Brothers, and Co. becoming due monthly, on the 6th of each month, reckoning from the 6th of January next, to the 6th of September, inclusive.

By an arrangement which his excellency field marshal the duke of Wellington signed, in the name of the courts of Austria, Great Britain, Prussia, and Russia, on the 12th of last month, with the said firms of Hope and Co. Baring, Brothers, and Co. the beforementioned sum of 6,615,944 francs of *rente*, has been made over to those houses for the actual sum of 98,015,210 franks, payable by means of their engagements due by ninths, and at the same periods as those agreed upon for the payments to be made by the treasury of France.

His excellency the duke of Richelieu having represented to the ministers of the courts of Austria, Great Britain, Prussia, and Russia, that the state of circulation, and the service of the public funds at Paris, required some still greater modification of the preceding arrangements, than that which had been agreed upon in the Protocol of the 3rd of November last, and the plenipotentiaries of the five courts, after taking the said state of affairs into consideration, have adopted the following arrangements:—1st. The bills of the treasury of France on Messrs. Hope and Co. and Baring, Brothers, and Co. which, according to Article 6, of the convention of the 9th of October, are to be delivered to the commissioners of the four courts, shall be made pay-

able in eighteen equal instalments, beginning on the 6th of January next, till the 6th of June, 1820, inclusive. 2nd. The amount on account of interest, to which the courts of Austria, Great Britain, Prussia, Russia, and other participating states, may become entitled, in consequence of the extension of the periods of payment stipulated in the foregoing paragraph, shall be paid by the French government into the hands of the commissioners of the four courts at Paris.—3rd. The securities given by the firms of Hope and Co. Baring, Brothers, and Co. in pursuance of the treaties they concluded with his excellency field-marshal the duke of Wellington on the 12th of last month, shall be equally payable in eighteen instalments, beginning from the 6th of January next, till the 6th of June, 1820, inclusive.—4th. The interest to which the courts of Austria, Great Britain, Prussia, Russia, and other participating states may become entitled, in consequence of the extension of the periods of payment stipulated in paragraph three before-mentioned, shall be paid by Messrs. Hope and Co. Baring, Brothers, and Co. into the hands of the Commissioners of the said courts at Paris.—5th. The balance of the interest to be paid in pursuance of paragraphs two and four before-mentioned, shall be settled with the commissioners of the said powers, and the amount thereof liquidated at the end of every three months.—6th. When the French treasury-bills, or those of Messrs. Hope and Co. Baring, Brothers, and Co. become due, the latter shall be at liberty to pay the bearers thereof, as much as one-half of the amount of the said bills, by bills of exchange, indorsed by them, upon one or more of the places hereafter mentioned, viz. Hamburgh, Amsterdam, London, Frankfort, and Augsbourg; those bills of exchange to have in no case less than thirty days, nor more than three months to run, dating from the day of their delivery. The value of the franc is to be determined at each payment by the medium rate of the exchange at Paris, during the thirty days open *(jours de bourse)* which shall have preceded the day of payment. When two different rates shall be quoted for the same day, the medium between the two is to be taken as the price for the day.—With reference to bills of exchange which may have more than thirty days to run, and less than three months, the average must be taken between the rates quoted for the two periods. It is moreover fully understood, that the firms of Hope and Co. Baring, Brothers, and Co. remain responsible for the payment of the bills of exchange delivered in virtue of the arrangement before mentioned.—7th. In order to facilitate the execution of the above paragraph 6, due notice is to be affixed on the bills, delivered to the commissioners of the four courts, of the liberty allowed to pay the said bills, partly in cash, and partly by bills of exchange. in conformity to the preceding stipulations.—8th. It is fully understood, that Messrs. Hope and Co. Baring, Brothers, and Co. may at any time liquidate their engagements by anticipation, at the rate of 5 per cent discount per annum.

Previously to proceeding to the signature of the present Protocol, prince Hardenberg, the Prussian minister plenipotentiary, reproduced and demanded the insertion in the Protocol, of the accompanying observations and exceptions, similar to those consigned to that of the 3rd of November. Field-marshal the duke of Wellington undertook to conclude with Messrs. Hope and Co. Baring, Brothers, and Co. a new arrangement conformable to the contents of the present Protocol.

(Signed) Metternich.
Richelieu.
Castlereagh.
Wellington.
Hardenberg.
Bernstorff.
Nesselrode.
Capo d'Istria.

No. IV.—Protocol signed at Aix-la-Chapelle, on the 15th November 1818, by the Plenipotentiaries of the Courts of Austria, France, Great Britain, Prussia, and Russia.

The ministers of Austria, France, Great Britain, Prussia, and Russia, in pursuance of the exchange of the ratifications of the convention signed on the 9th of October, relative to the evacuation of the French territory by the foreign troops, and after having addressed to each other the notes, of which copies are annexed, have assembled in conference, to take into consideration the relations which ought to be established in the actual state of affairs, between France and the co-subscribing powers of the treaty of peace of the 20th of November 1815—relations which, by assuring to France the place that belongs to her in the European system, will bind her more closely to the pacific and benevolent views in which all the sovereigns participate, and will thus consolidate the general tranquillity.

After having maturely investigated the conservative principles of the great interests which constitute the order of things established in Europe, under the auspices of Divine Providence, by the treaty of Paris of the 30th of May 1814, the *recès* of Vienna, and the treaty of peace of the year 1815, the courts subscribing the present act, do, accordingly, unanimously acknowledge and declare:—

1. That they are firmly resolved never to depart, neither in their mutual relations, nor in those which bind them to other states, from the principle of intimate union which has hitherto presided over all their common relations and interests—a union rendered more strong and indissoluble by the bonds of Christian fraternity which the sovereigns have formed among themselves.

2. That this union, which is the more real and durable, inasmuch as it depends on no se-

parate interest or temporary combination, can only have for its object the maintenance of general peace, founded on a religious respect for the engagements contained in the treaties, and for the whole of the rights resulting therefrom.

3. That France, associated with other powers by the restoration of the legitimate monarchical and constitutional power, engages henceforth to concur in the maintenance and consolidation of a system which has given peace to Europe, and which can alone insure its duration.

4. That if for the better attaining the above declared object the powers which have concurred in the present act, should judge it necessary to establish particular meetings, either of the sovereigns themselves, or of their respective ministers and plenipotentiaries, there to treat in common of their own interests, in so far as they have reference to the object of their present deliberations, the time and place of these meetings shall, on each occasion, be previously fixed, by means of diplomatic communications; and that in the case of these meetings having for their object affairs specially connected with the interests of the other states of Europe, they shall only take place in pursuance of a formal invitation on the part of such of those states as the said affairs may concern, and under the express reservation of their right of direct participation therein, either directly or by their plenipotentiaries.

5. That the resolutions contained in the present act shall be made known to all the courts of Europe, by the annexed declaration, which shall be considered as sanctioned by the Protocol, and forming part thereof.

Done in quintuple, and reciprocally exchanged in the original, by the subscribing cabinets.

Aix-la-Chapelle, Nov. 15, 1818.

(Signed) METTERNICH.
RICHELIEU.
CASTLEREAGH.
WELLINGTON.
HARDENBERG.
BERNSTORFF.
NESSELRODE.
CAPO D'ISTRIA.

No. V.—Copy of the Note addressed to the Duke of Richelieu by the Plenipotentiaries of the Courts of Austria, Great Britain, Prussia, and Russia, on the 4th of November, 1818.

The undersigned ministers of the cabinets of Austria, Great Britain, Prussia and Russia, have received orders from their august masters to address to his excellency the duke of Richelieu the following communication:—

Called by the fifth article of the treaty of the 20th of November, 1815, to examine, in concert with his majesty the king of France, whether the military occupation of a part of the French territory, stipulated by the said treaty, might cease at the end of the third year, or ought to be prolonged to the end of the fifth, their majesties the Emperor of Austria, the king of Prussia, and the emperor of all the Russias, have repaired to Aix-la-Chapelle, and have charged their ministers to assemble there, in conference with the plenipotentiaries of their majesties the king of France, and the king of Great Britain, in order to proceed to the examination of this important question.

In this examination the attention of the ministers and plenipotentiaries had for its particular object the internal situation of France; it was said to be directed to the execution of the engagements contracted by the French government, towards the co-subscribing powers to the treaty of the 20th of November, 1815.

The internal state of France having long been the subject of serious deliberations in the cabinets, and the plenipotentiaries assembled at Aix-la-Chapelle having mutually communicated the opinions which they had formed in that respect, the august sovereigns, after having weighed these opinions, in their wisdom, have recognized with satisfaction, that the order of things happily established in France, by the restoration of the legitimate and constitutional monarchy, and the success which has hitherto crowned the paternal care of his most christian majesty, fully justify the hope of a progressive consolidation of that order of things so essential to the repose and prosperity of France, and so strictly connected with the great interests of Europe.

With regard to the execution of the engagements, the communications which, since the opening of the conferences, the plenipotentiary of his most christian majesty has addressed to the ministers of the other powers have left no doubt on this question, as they prove that the French government has fulfilled, with the most scrupulous and honourable punctuality, all the clauses of the treaties and conventions of the 20th of November, and propose, with respect to those clauses; the fulfilment of which was reserved for more remote periods, arrangements which are satisfactory to all the contracting parties.

Such being the results of the examination of these grave questions, their imperial and royal majesties congratulated themselves, that they have only to listen to those sentiments and those personal wishes which induced them to put an end to a measure which disastrous circumstances, and the necessity of providing for their own security, and that of Europe, could alone have dictated to them.

From that moment the august sovereigns resolved to cause the military occupation of the French territory to be discontinued; and the convention of the 9th of October sanctioned this resolution. They regard this solemn act as the final completion of the general peace.

Considering now, as the first of their duties,

that of preserving to their people the benefits which that peace assures to them, and to maintain in their integrity the transactions which have established and consolidated it, their imperial and royal majesties flatter themselves that his most christian majesty, animated by the same sentiments, will receive with the interest which he attaches to every thing tending to the welfare of mankind, and to the glory and prosperity of his country, the proposition which their imperial and royal majesties address to him, to unite henceforth his councils and his efforts to those which they will not cease to devote to so salutary a work.

The undersigned, charged to request the duke of Richelieu to convey the wish of their august sovereigns to the knowledge of the king his master, at the same time invite his excellency to take part in their present and future deliberations, consecrated to the maintenance of the peace, the treaties on which it is founded, the rights and mutual relations established or confirmed by these treaties, and recognised by all the European powers.

In transmitting to the duke of Richelieu this solemn proof of the confidence which their august sovereigns have placed in the wisdom of the king of France, and in the loyalty of the French nation, the undersigned are ordered to add the expression of the unalterable attachment which their imperial and royal majesties profess towards the person of his most christian majesty and his family, and of the sincere interest which they never cease to take in the tranquillity and happiness of his kingdom.

They have the honour, at the same time, to offer to the duke of Richelieu the assurance of their very particular consideration.

Aix-la-Chapelle, Nov. 4, 1818.

(Signed) Metternich.
Castlereagh.
Wellington.
Hardenberg.
Bernstorff.
Nesselrode.
Capo d'Istria.

No. VI.—Copy of the Note of M. the Duke of Richelieu, in answer to that of the Plenipotentiaries of the courts of Austria, of Great Britain, of Prussia, and of Russia. Aix-la-Chapelle, Nov. 12, 1818.

The undersigned minister and secretary of state to his most christian majesty, has received the communication which their excellencies the ministers of the cabinets of Austria, of Great Britain, of Prussia, and of Russia, did him the honour of addressing to him on the 4th of this month, by order of their august sovereigns. He hastened to make it known to the king his master. His majesty has received with real satisfaction, this new proof of the confidence and friendship of the sovereigns who have taken part in the deliberations at Aix-la-Chapelle. The justice which they render to his constant cares for the happiness of France, and above all to the loyalty of his people, has deeply touched his heart. Looking back to the past, and observing that at no other period, no other nation has been able to fulfil with a more scrupulous fidelity, engagements such as France had contracted, the king has felt that it was indebted; for this new kind of glory, to the influence of the institutions which govern it; and he sees with joy, that the consolidation of these institutions is considered by his august allies to be no less advantageous to the repose of Europe, than essential to the prosperity of France. Considering that the first of his duties is, to endeavour to perpetuate and augment, by all the means in his power, the benefits which the complete re-establishment of general peace promises to all nations; persuaded that the intimate union of governments is the surest pledge of its duration; and that France, which could not remain a stranger to a system, the whole force of which must spring from a perfect unanimity of principle and action, will join the association with her characteristic frankness; and that her concurrence must add strength to the well-founded hope of the happy results which such an alliance must produce for the benefit of mankind, his most christian majesty most readily accepts the proposal made to him of uniting his councils and his efforts with those of their majesties, for the purpose of accomplishing the salutary work which they have in view. He has, therefore, authorized the undersigned to take part in all the deliberations of their ministers and plenipotentiaries, for the object of consolidating the peace, of securing the maintenance of the treaties on which it rests, and of guaranteeing the mutual rights and relations established by these same treaties, and recognized by all the states of Europe.

The undersigned, while he begs their excellencies to have the goodness to transmit to their august sovereigns, the expression of the intentions and sentiments of the king his master, has the honour of offering them the assurance of his highest consideration.

(Signed) Richelieu.

No. VII.—Declaration of the five Cabinets. Signed at Aix la-Chapelle, Nov. 15, 1818.

At the period of completing the pacification of Europe by the resolution of withdrawing the foreign troops from the French territory, and when there is an end of those measures of precaution which unfortunate circumstances had rendered necessary, the ministers and plenipotentiaries of their majesties the emperor of Austria, the king of France, the king of Great Britain, the king of Prussia, and the emperor of all the Russias, have received orders from their sovereigns, to make known to all the courts of Europe, the results of their meeting at Aix-la-Chapelle, and with that view to publish the following declaration:—

The convention of the 9th of October, which

definitely regulated the execution of the engagements agreed to in the treaty of peace of November, 20, 1815, is considered by the sovereigns who concurred therein, as the accomplishment of the work of peace, and as the completion of the political system destined to ensure its solidity.

The intimate union established among the monarchs, who are joint parties to this system by their own principles, no less than by the interests of their people, offers to Europe the most sacred pledge of its future tranquillity.

The object of this union is as simple as it is great and salutary. It does not tend to any new political combination—to any change in the relations sanctioned by existing treaties. Calm and consistent in its proceedings, it has no other object than the maintenance of peace, and the guarantee of those transactions on which the peace was founded and consolidated.

The sovereigns, in forming this august union, have regarded as its fundamental basis, their invariable resolution never to depart, either among themselves or in their relations with other states, from the strictest observation of the principles of the right of nations; principles which, in their application to a state of permanent peace, can alone effectually guarantee the independence of each government, and the stability of the general association.

Faithful to these principles, the sovereigns will maintain them equally in those meetings at which they may be personally present, or in those which shall take place among their ministers; whether they be for the purpose of discussing in common their own interests, or whether they shall relate to questions in which other governments shall formally claim their interference. The same spirit which will direct their councils, and reign in their diplomatic communications, will preside also at these meetings; and the repose of the world will be constantly their motive and their end.

It is with these sentiments that the sovereigns have consummated the work to which they were called. They will not cease to labour for its confirmation and perfection. They solemnly acknowledge, that their duties towards God and the people whom they govern, make it peremptory on them to give to the world, as far as is in their power, an example of justice, of concord, and of moderation; happy in the power of consecrating, from henceforth, all their efforts to protect the arts of peace, to increase the internal prosperity of their states, and to awaken those sentiments of religion and morality, whose influence has been but too much enfeebled by the misfortune of the times.

(Signed) METTERNICH.
RICHELIEU.
CASTLEREAGH.
WELLINGTON.
HARDENBERG.
BERNSTORFF.
NESSELRODE.
CAPO D'ISTRIA.

MOCK AUCTIONS.] A petition was presented from the city of London on the subject of Mock Auctions.

Mr. Alderman *Waithman* stated that this petition was of some importance. The subject had been before the house last session, and also a former session; it had undergone discussion in a committee of the House, and he believed the abuses stated in the petition were fully established. The committee had recommended a bill to be brought in, but there were difficulties in the way of it. Being a money bill, it could only be brought in with the consent of his majesty's ministers. He thought it would be proper to refer the petition to a committee, consisting of the members of the city of London, of Surrey, and others more particularly interested in the matter. In the mean time he moved that the petition do lie on the table—Ordered.

INSOLVENT DEBTORS BILL.] A petition was presented from the City of London against the renewal of the Insolvent Debtors Bill.

Mr. Alderman *Waithman* said, that the petition they had just heard, was not less important than any petition presented during the present session: not less important than the petition presented the other day for a revision of the criminal law. It was a petition from the city of London praying the house not to renew the Insolvent Debtors bill. He had had many opportunities of witnessing the conduct of the citizens of London, and forming an opinion respecting their character, and this he could safely say, that so far from being deficient in humanity, they would be as ready as the inhabitants of any part of the kingdom to agree to any measure for the relief of insolvent and distressed persons. With respect to this measure, however good might be the intentions of those by whom it was introduced, he would not hesitate to say, that no act ever passed that house, which made so complete an inroad on the property of traders, or which gave a more deadly blow to the morals of the people. It not only afforded an easy indemnity to the dishonest part of the community, but held out an encouragement to vice and profligacy of every description. In addition to these grievances, the bill, in its present form, had totally superseded that pride and bulwark of our constitution, the trial by jury. It, in fact, invested in the judge of the

insolvent court more power than had ever been conferred on any individual for centuries past. He possessed a much greater authority with regard to property between debtor and creditor than was in the exercise or the discretion of the lord chancellor, and the twelve judges. Different papers had been presented to the House, showing the number of persons who had taken the benefit of the act, and the amount of their debts; but gentlemen who were not connected with trade, could hardly be supposed willing to take the trouble to look into these papers. It would astonish many members to learn that after the bill had been in operation three years, an account up to March 1815 had been moved for, whereby it appeared that upwards of six millions of property had then been decided on under that act, and that all the dividends on that property amounted only to about one farthing in the pound. At that time they were told that several regulations would be introduced to remedy the evils, and that they proceeded in a great measure from the carelessness of the creditors, in not looking after the property of their debtors. Another account was presented up to the 1st of March 1817. The persons who then had taken the benefit of the act since the former account, amounted to something more than 9,000; and the whole property decided on, amounted to upwards of eight millions. The money recovered amounted to something more than half a farthing in the pound. He had made a great mistake in stating the dividend on the former property at a farthing in the pound—it was only one-fourth of a farthing; so that the improvement had produced an increase of from a quarter of a farthing to half a farthing in the pound. The number of persons who had taken the benefit of the act was nearly fourteen thousand, and the property they owed was nearly fifteen millions. Here, then, a tax to a most enormous amount was levied—a tax exceeding in amount that of the property tax—here was fifteen millions of property, all taken from the profits of the most honest, the most industrious, the most laborious, and the most moral part of his majesty's subjects [Hear, hear!]. He did not, when he said this, mean any thing invidious to any other class of society; but it was not to be denied that their habits were more chaste, their conduct more regular, and their morals more pure, than those of the lower ranks of life, who were too often driven by distress to the commission of improper acts; and than those who, in a state of affluence, had not the checks to control their conduct, that must necessarily regulate the trading part of the community. He said, that if any plan could be devised to meet the benevolent wishes of the framers of the act, and at the same time to give some security for the property of the honest trader, the city of London would willingly concur. The real fact was, that it made individuals rush to take the benefit of the act in the first instance, without making any exertion to retrieve their situation. He could appeal to the hon. commissioner of bankrupts who sat near him, whether he ever knew an instance of an honest debtor being oppressed by his creditors, after he had given a fair statement of his losses and effects. The house surely could not tolerate the principle of a measure which justified a man's wasting his effects until he had not one farthing left, and then cancelling all his engagements by this act. If a man had 10,000*l.* or 500*l.* and found his affairs sinking, let him call his creditors together and give among them what remained, but let him not, as this act justified, continue a squandering career until not one farthing remained for any body. Indeed, the consequence of this measure was, that many creditors were actually compelled by the losses they incurred to follow their debtors into gaol, and go on themselves to take the benefit of this act, which shook of debts to the amount of hundreds of thousands, and did not leave assets to the amount of a farthing in the pound for distribution among creditors. He had seen a paper containing a list of persons who had applied to particular sheriffs officers with the writs in their hands under which they were to be taken into custody. The hon. alderman concluded with moving that the petition do lie on the table; and he begged at the same time to give notice, that if it should appear at a future time to be the intention to renew this act, he would move for a previous inquiry into its operation. In the mean time he would move for a continuance of the line of accounts formerly presented to the house on this subject.

Mr. *E. J. Littleton* said, that he perfectly concurred with the worthy alderman as to the effects of the law. The intentions which had actuated those who originated the law were, he was convinced, most hu-

mane. It was a laudable attempt to endeavour to distinguish between the unfortunate and the fraudulent debtor. But the effect had not corresponded. Millions of property had been disposed of, of which the creditors had not received a farthing in the pound; and he was convinced, that for every instance in which justice had been done to a debtor, much more injustice had been done to the creditors. This was not a mere question between the debtor and creditor—it was one which concerned the public morals and public interest; first it clearly, appeared before the last committee appointed by parliament, that respectable traders were obliged to shield themselves from the losses entailed by this act, by putting an additional price on their goods. He believed that for one act of justice towards an honest debtor, occasioned by the operation of this act, fifty frauds were committed upon the creditor.

Mr. *Brougham* said, he quite agreed with his hon. friend, the worthy alderman, and with the hon. gentleman who spoke last, that this was an important question, which ought to be maturely considered; he quite agreed with them, that it ought to be duly and carefully weighed, from the immense interests which were at stake on the issue. Its operations on the mercantile, the general and trading interests, and on the administration of justice, were of the highest importance, and alike entitled this act to the most serious and cool consideration. He did not mean on the present occasion to anticipate a discussion which would be more regular at a future period, but he could not allow the statements which had just been made to go forth to the world without protesting against them in one point of view. These statements, or at least the great point or principle upon which they were founded, though guarded with some special qualifications, went generally against the whole measure. He objected to this sweeping way of denouncing the act, and particularly to the manner in which the comparisons seemed to be made. The comparison between the state of this particular law now, and the previous state, should not be made upon an ideal standard of law which never did exist, but upon what was the actual fact, and then, indeed, a fair estimate might be made of the practice in one case and in the other. If hon. gentlemen meant to make a fair comparison, they must refer to the former practice, which was, to pass every year or two *ex post facto* laws to clear the gaols from debtors, and compare that with the principle of the present act, which was prospective in its operation. The act as it was might have many imperfections, which it would be well to remedy. It had not emanated from that House. The bill was lord Redesdale's, with a few and not important alterations. This act might be liable to objections, though many of them, he hoped, would be found capable of being removed; but what he protested against was, its being compared with a state of law which never had existence. As an instance how easily a clamour might be raised on this subject, though he acquitted the worthy alderman of any intention of producing an unfair impression, he should refer to the statement of property disposed of under this act. Suppose no insolvent act had passed, would the creditors have had the whole of the fifteen millions? Was it not more probable that they would not have had even the fortieth part of the farthing in the pound, which it was said they had actually received?

The petition was ordered to lie on the table. After which, on the motion, of Mr. Alderman Waithman, returns were ordered, "1. Of all persons discharged under the Insolvent acts up to the first of February 1819, the amount of the respective sums to which such discharge extended, and the amount of dividends, that have been received and paid to Creditors. 2. Of all instances in which debtors have been remanded under the operation of the Insolvent debtors acts, with the grounds of such remanding."

Westminster Hustings Bill.] Mr. Bennet brought up the report of the committee on this bill. On the motion that it be agreed to,

Mr. *Hume* said, that but for an accident, he should have had that day a petition to present against this bill, and on that ground he wished the further proceedings on it to be postponed. The act which the present bill was intended to renew, was passed in 1811, professedly only for two years, in which time inquiry was to have been made. It had been continued from that time to the present, and no inquiry had ever taken place. It threw the whole expense of the hustings on the candidates. The petition which he should have the honour to present would show that there were funds

to defray the charge; that the high bailiff bought his office from the dean and chapter, and that if that body had not sold the office, but had bestowed it as they should have done, the officer would have been able to erect the hustings without charging the candidates. The charge upon one of the candidates alone had been 900*l.* and odd at the last election. He hoped the house would not compel a candidate for the representation of Westminster, to be fined to that amount; but would previously appoint a committee to inquire into the merits of the case.

Mr. *Bennet* said, that the bill was only to continue for one year what had been law for six years. He was very willing that a committee should be appointed, to inquire whether the candidates or the dean and chapter (neither of whom he did not know to be legally liable) should be charged with the expenses of the hustings. But he believed it would be agreed on all sides, that the high bailiff should not be saddled with the expenses. He therefore could not consent to postpone the bill, at a time when they were on the eve of another election for Westminster; and when an individual might be ready without the slightest hope of success, to raise a disturbance in Westminster, and, from a vindictive spirit towards the high bailiff, compel him to raise hustings and keep open a fourteen days poll, with the expense of which he would attempt to saddle that officer.

Mr. *Curwen* thought the better course would be for the citizens of Westminster to erect some permanent place, which would answer for the business of their elections without being obliged, on every occasion to erect a hustings, as was the present practice. He thought that this measure should not be pressed through the house in such a hurry, and that time ought to be given to ascertain whether funds could not elsewhere be found for the purpose. If the office of high bailiff was, as was said, an office of considerable emolument, and one for the purchase of which a large sum was given, it might be necessary to see if this expense could with any degree of justice be attached to it. He was quite of opinion that no burthen of this nature ought to be thrown upon the freedom of election, and the postponement of the report for a day or two could not affect the approaching election, and some permanent arrangement might be made which would prevent so heavy a burthen from falling on the shoulders of a candidate.

Mr. *Bennet* said, that the urgency of present circumstances evidently admitted of no delay. This bill must pass, or the election must take place, without any act existing on the subject. The shortness of its duration would, however, soon afford ample opportunity for inquiry and deliberation.

Sir *M. W. Ridley* thought the operation of the present bill could not be said to affect the freedom of election. It was surely very hard, if an individual who had in fact caused the expense should refuse to pay the amount which the law justified, and which was absolutely necessary, and that the whole should fall on the high bailiff. He thought it would be equally hard to throw the expense on the inhabitants generally. In his opinion the candidates were the proper persons on whom it should fall.

Mr. *Wynn* said, he could not agree with the hon. member who spoke last, that, under any circumstances, so large an expense should be thrown upon the candidate. The candidate came forward as much in obedience to the king's writ as the electors did who gave him their votes. To put an extreme case: suppose nobody came forward, and that no return was made, then the city would be punished by fine for not obeying the king's writ. Parliamentary service might be cast on a man with or without his consent, and no man, should be fined for seeking or accepting it. He therefore should propose inquiry. If the dean and chapter had funds (and he was inclined to believe they had none) which could be legally liable to this charge, the expense should be defrayed by them: if not, a rate ought to be levied on Westminster, and a permanent building be erected, or hustings which might be put up when required, and which would not entail any considerable expense on the city.

Mr. *C. Tennison* said, he concurred generally in what had fallen from the hon. gentleman who spoke last, and thought it an unconstitutional principle which went to fix the expenses on the candidates: especially as they were sometimes brought forward without their previous assent; a case of this sort had actually occurred in Westminster. There seemed as little propriety in fixing the expenses on the high bailiff or dean and chapter who were not more materially interested in the repre-

sentation of the city of Westminster than any other individuals there. The argument of an hon. baronet, who seemed to think the candidates were the proper parties to pay the expenses, was founded in the idea that a seat in that house was a beneficial possession for which something was to be paid. He (Mr. T.) thought it clear that the inhabitants generally or the electors of Westminster, who had the benefit of being represented in parliament, were the parties who should be called upon to pay the expenses incident to the election of their members.

The report was received. On the question, that the bill be read a third time to-morrow,

Mr. *Denman* said, that the House was called on to pass a bill of whose object it appeared to him that it was utterly ignorant. For his own part, he must observe, that it was unknown to him, and that therefore he could not support it. The reasons which had been urged by hon. gentlemen to induce the house to pass this bill in a hurry, inclined him to pause before he gave his sanction to it; and he should therefore willingly second the proposition for time to inquire whether the high bailiff had any funds with which to defray these expenses, and whether there was any place in which the hustings could be permanently held and the expenses incurred in erecting them avoided in future. He scarcely knew what the law on the subject was, and he believed that other gentlemen were in a similar state of ignorance. This was an additional reason for delay. It might be hard on the high bailiff, if he had to pay the expenses incurred in the election out of his own pocket; but he would rather indemnify him for them by an express act of the legislature, than impose them on others by the operation of an ex post facto law like the present.

Mr. *Bennet* said, that the act which the present bill was intended to renew, had passed in 1811, it was repassed in 1813, and had expired a month ago. The bill only continued for a year longer what had been law for eight years. He wished to have the bill passed before the circumstances could arise which would be affected by the bill, which seemed to him to be directly the reverse of an *ex post facto* law. If the house wished to have the bill postponed, he should bow to its wishes [cries of No, no!]; but he had no doubt that he should be able to give a satisfactory answer to the petitions, as he had had an interview with one of the principal petitioners.

Lord *A. Hamilton* proposed, as an amendment, that Friday next should be substituted for to-morrow for the third reading. He also thought that some inquiry ought to be made to ascertain the emoluments of the high bailiff. Suppose a member were elected, and did not choose to attend at the hustings lest he should be called upon to pay this large expense, in what a situation would he not be placed! He would be exposed to the penalty of the House for not attending, and to the high bailiff's bill if he took his seat.

Mr. *Holme Sumner* suggested to the hon. mover whether it would not be right to limit the scope of this bill to the 1st of April next. If this suggestion were not adopted, he would vote for postponing the discussion until Friday next.

Mr. *Bennet* said, that the first of April would be rather an awkward day but he had no objection to the first of May. He never meant to propose this as a permanent measure; on the contrary, it was his intention hereafter to move for a committee, to take the whole subject into consideration.

Mr. *Hume* submitted to the house, whether they would allow a bill, not yet printed or known to the members, to be passed in so hasty a manner. The hon. gentleman who had brought this bill forward was, on all former occasions, one of the readiest persons to demand inquiry; but on the present occasion, he was most hostile to it, and said, if not in form, at least in substance, "Do the act first, and then inquire into the reasons for doing it." He must consider the whole of the proceedings in this affair as most rash and precipitate, and must in consequence, deprecate them with all the ability in his power.

The bill was ordered to be read a third time to-morrow.

PETITION FROM LEEDS IN FAVOUR OF THE BANK RESTRICTION ACT CONTINUANCE.] Mr. *Stuart Wortley* rose to present a petition from the principal merchants and manufacturers of Leeds, praying that the Bank might not be called upon to resume its cash payments at the present crisis. He was advised that there were several other petitions of the same tenor now preparing in that quarter of the

country, and which would be shortly laid before parliament.

The Petition was then brought up and read. It sat forth,

"That the petitioners feel the deepest interest in the deliberation of the house on the resumption of cash payments by the Bank; that while the petitioners admit the importance of the Bank returning to payments in specie as soon as circumstances render it practicable, the petitioners humbly beg to represent, that in their opinion the present period is most unfavourable to that change, and that the attempt, if now made, would, as they conceive, be unsuccessful, and attended with the most injurious consequences; that our commerce and manufactures, extended by the facilities of peace, and by new and important channels having been laid open, require the full resources of the country; and at the present period loans of unprecedented magnitude, in operation throughout Europe, have turned the exchanges greatly against this country, and drained it of its specie; that if the Bank were to return to cash payments, at this juncture, our gold coin, the petitioners submit, would inevitably continue to be exported as fast as issued; and as the petitioners believe so great a diminution of the circulating medium would be caused by the necessary restrictive measures of the Bank of England, and of private bankers, as must occasion stagnation in trade and manufactures, depreciation of property and general distress, throwing a considerable portion of the population out of employment, injuring the revenue, and hazarding the prosperity of the empire; the petitioners therefore, trusting in the wisdom of the House, humbly pray that the change of this system of cash restriction may be postponed to a more favourable period, when the country may have free command of its resources, and may reap the permanent advantages of the measure unattended by any of the evils now contemplated."

Mr. *Tierney* said, it was material to trace the origin of this petition. He begged, therefore, to ask, the hon. member, whether the petition was the result of any public meeting of the bodies in whose names it was drawn out? Was, there, in fact, any public meeting at all? He put this question because he had heard that certain active persons, well known in the metropolis, had prepared petitions here, and sent them down to different parts of the country, to have signatures surreptitiously obtained. Bankers had been the principal agents in procuring them; and every body knew how reluctant a country gentleman indebted to his banker would be to refuse his name to a petition of this nature, when asked to give it by this accommodating banker. One very strange circumstance in this petition was, that the very first name at the foot of it was Beckett, the name of the principal bankers at Leeds.

Mr. *S. Wortley* observed, that the bankers had not signed it. The Messrs. Beckett who had signed it, were not the bankers, but another firm, sons of the bankers of that name.

Mr. *Tierney* observed, that he did not know the bankers had been so artful. He only wished that all the petitions which they were to have, had been presented that day, that they might see whether they all came from the same shop. Meantime he wished to ask, was this petition the result of any meeting.

Mr. *S. Wortley* said, it came to him accompanied by a letter from a respectable merchant, desiring him to present it. He was not informed whether any public meeting had taken place.

Mr. *Tierney* said, he had received a letter from Leeds, complaining that such a petition was to come up, that it had been privately circulated, and that no public meeting had been held.

The petition was ordered to be printed.

Arrest of General Gorgaud.] Mr. *F. Douglas* said, that as he saw a gentleman belonging to the home department now in his place, he should take the opportunity of putting a few questions to him. A certain foreigner had been seized under the Alien act, on the 14th of last November, and sent out of the country. One of the provisions of that act was, that any individual arrested under it should be carried, if he wished to appeal against the execution of the sentence, before the privy council. He understood that this foreigner had expressed his determination of making this appeal, but had not been allowed to do so. He wished to know what explanation could be given of these circumstances, and under what authority they had also seized his papers.

Mr. *H. Clive* said, that he had not a minute of the facts, to which he could then refer for the accuracy of his statement,

but must trust to his own imperfect recollection of them. The foreigner in question had certainly wished to lodge an appeal, not indeed before the privy council, but before a magistrate. To a magistrate he was therefore taken, who, upon hearing the facts detailed against him, did not think it consistent with his duty to interfere on his behalf. With regard to his papers, he should give a very short, and he trusted, a satisfactory answer. They were brought to the office for the home department, and forwarded from thence to the ultimate destination of the individual arrested by his orders, and according to his directions. When they were restored to him, the individual complained that they were restored with their seals broken. This complaint attracted the notice of the British government, and in consequence letters were written to the agent of the packets at Harwich, (from which place the papers had been sent to Cuxhaven), to learn in what state these papers were when they arrived at, and when they were sent from, Harwich. The answer returned was, that the portfolio which contained them was in a sealed envelop, and had been sent from Harwich in the same state in which it arrived there. From Cuxhaven they were sent to Hamburgh, and from Hamburgh to the individual in question. Similar inquiries were made of the agents of the post office at Cuxhaven and Hamburgh, as had been made of the agent of the packets at Harwich, and a similar answer was invariably returned. When the portfolio was delivered to the individual in question, he refused to break the envelop, except in the presence of a certain foreign general; he was introduced into his company in consequence of this refusal, and there he himself broke the very seals which he now insinuated were broken by others.

Mr. *F. Douglas* said, that as the answer returned by the different post-agents was merely confined to the fact of the papers being in the same state as they were when they left the office of the home department, he wished to ask the hon. gentleman, whether the portfolio was or was not unlocked, during the time it remained under the care of the home department.

Mr. *H. Clive* replied, that it went back to the owner in precisely the same state in which it was brought, except with the addition of a paper cover, fastened with the government seal.

Oxford Election Petition.] The adjourned debate on the motion made on the 28th of January, "That the Petition do lie on the table," being resumed,

Sir *Arthur Piggott* rose to say a few words on the petition from certain inhabitants of the city of Oxford, presented on a former evening, which complained of the interference of the duke of Marlborough in the election of representatives for that city in parliament. He observed, that as this petition had stated that 2,500*l.* had been expended by the noble duke to secure the election of general St. John; and as it also mentioned other specific acts of corruption, the House had only one course left them to pursue. The Grenville act expressly declares, that when any petition, complaining of an undue election and return, shall be presented to the House, it shall be referred to a committee gifted with sundry powers, which are afterwards described. Now the petition before the House complained both of an undue election and an undue return, and therefore the House had no discretionary power regarding the manner in which it was to be treated. He did not mean to deny to the House the power of punishing offenders and vindicating its privileges, either by its own acts, or by instituting suits at law; but the present petition fell under a particular act, according to the provisions of which its merits must be tried. It would therefore be impossible for the House to accede to the present motion, which was, that the petition do lie on the table: but should that motion be withdrawn, as he trusted it would, then the regular order would be made as usual in cases of petitions complaining of undue returns.

Mr. *Denman* said, that after the consideration he had given this subject since he had presented the petition, he was ready to view it in the same light as the hon. and learned gentleman. He therefore wished to withdraw the petition, for the purpose of enabling the petitioners to make their own election of the course they should take.

Mr. *Bankes* concurred with the hon. and learned gentlemen, that the House could not properly take cognizance of the petition in the manner it was presented, since it was, to all intents and purposes, an election petition.

The *Speaker* observed, that the act of parliament said, that when an election petition had been presented, an order

should be made for its consideration on some particular day, and the parties prohibited from withdrawing it. As no order of the kind had yet been made out, the petition might still be withdrawn, and another presented before Thursday.

Mr. *Wynn* said, that he persevered in his original opinion, that the petition could not be considered in any other light than as an election petition. The facts stated by the petitioners, if true, must go to affect the return of the member in whose behalf the noble duke was alleged to have interfered. If, therefore, such a complaint was to be considered in the light of a breach of privilege, and was referred to the committee of privileges, the example would operate so, that every other complaint affecting the return of members, and many of which might be considered breaches of privilege, would be referred to that committee, instead of the select committee, with powers to examine upon oath pursuant to the Grenville act. Parliament and the country had, before the passing of that act, pronounced its opinion on the incompetency of the former course, and on the universal confusion that attended its continuance.

Mr. *C. Tennyson* contended, that the petition was not an election petition, but merely called on the House to vindicate its own privileges. The facts asserted could not affect the return of the hon. member for Oxford, unless a connexion was proved between him and the noble duke, so as to show that the latter had been his agent. He was convinced that the language of the petition was so framed as to avoid bringing the return into question. If that was the intention of the petitioners, to refer the petition to a select committee would make it fall to the ground, as they would not enter into the cognizances required. He thought it therefore desirable, that it should be referred to a committee of privileges. An election committee would not be bound to make any report; and, in a case like the present, it was of importance that a report should be produced. It would be referring the question to a fair test, if the House would enquire whether in case his hon. and learned friend had not presented this petition until the fourteen days for the reception of election petitions had elapsed, it would have closed its doors upon it as an election petition. He thought the House would then have received it, and accordingly that it should now be referred to a committee of privileges. If any other course were taken, he plainly saw, that the privileges of the House would remain unvindicated, and the complaint of the petitioners unredressed.

Mr. *Bathurst* said, he had no desire to prolong the discussion; but there was one observation of the hon. member who preceded him, to which it was necessary to advert. It seemed to be his opinion, that unless a petition was couched in certain technical terms, it was not to be considered as an election petition, and of course not to be referred to a select committee, in conformity with the act of the 10th of the king. The principle and practice were wholly different, as it was the substance of the allegations that gave a character to the petition. In the case of the petition of Mr. Horne Tooke, many members were inclined to view it in the light of a libel upon the House, and to treat it as such; but as it adverted to an undue return of the sitting members for Westminster, it was decided to be an election petition. Enough had been stated in the present petition to accuse the noble duke of being an agent for others. Corruption and bribery were alleged, and if such allegations were proved before an election committee, the election would be reported to be void. It was not for him to say what course the House should pursue, if the question were brought before them properly as a breach of privilege. The present was no question of discretion: the law was imperative upon the course to be pursued: the petition must go before that tribunal which the law had marked out, and could not be withdrawn.

The question, that the petition do lie on the table, was then negatived. The Speaker then observed, that in order to render the proceedings of the House on the petition intelligible, it would be convenient that the motion should be preceded on the Journals by an explanatory Resolution, viz.—"That the said petition comes within the description of a petition, the proceedings upon which are regulated by the several acts passed for the regulation of the trials of controverted elections, or returns of members to serve in parliament." Mr. Bankes moved a resolution to that effect, which was carried in the affirmative; and the petition, being an election one, was ordered to be taken into consideration on the 9th of March.

COMMITTEE OF SUPPLY—NAVY ESTIMATES, &c.] The House having resolved itself into a Committee of Supply, to which certain Army and Navy Estimates were referred,

Sir *G. Warrender* said, he should only state, in moving the estimates for the navy, that the number of seamen would be the same as last year; yet a considerable saving had taken place in that branch of the public expenditure; and that saving had been effected by placing the whole of the naval force kept up in a state of activity, which supplied the deficiency of numbers and rendered their increase unnecessary. He then moved, 1. "That 20,000 men be employed for the sea service, for thirteen lunar months, from the 1st Jan. 1819, including 6,000 royal marines. 2. That 565,500*l.*, be granted for wages of the said 20,000 men, at the rate of 2*l.* 3*s.* 6*d.* per man per month. 3. That 520,000*l.*, be granted for victuals for the said 20,000 men, at the rate of 2*l.* per man per month. 4. That 533,000*l.* be granted for the wear and tear of the ships in which the said 20,000 men are to serve, at the rate of 2*l.* 1*s.* per man per month. 5. That 91,000*l.*, be granted for ordnance for sea service on board the ships in which the said 20,000 men are to serve, at the rate of 7*s.* per man per month."

Mr. *Birch* begged to take that opportunity of putting a question to ministers, whether it was in their contemplation to afford any relief to the navy, from the hardships of impressment? No season for such a proceeding could be more propitious than the present, when we were in a state of profound peace with all the world. The system of impressment was a stain upon the country.

Sir *G. Warrender* said, he was well aware of the importance of the subject in all its bearings, and hoped that the House would not expect him to give any positive and distinct answer on the sudden. It was certainly a question to which ministers had turned their most anxious attention; but they felt also the danger of holding out any thing that might lead to misapprehension. Impressment was a part of the ancient system of the country, and though it certainly was attended with disadvantages and inconveniences, it had produced, he believed, far greater benefits than any evils it had occasioned. He had it in his power, however, to state, that effective measures had been taken to ameliorate the condition of seamen, and by means of a registry of those who were receiving a sort of half-pay, to secure on an emergency a supply of sailors well acquainted with, and well fitted for, their duties. He trusted that the hon. gentleman would not require him to commit himself and ministers further at the present moment.

The Resolutions were agreed to.

Lord *Palmerston* then moved, "That a sum, not exceeding one million, be granted to his majesty, towards defraying the charge of his majesty's Land Forces for service at home and abroad (excepting the regiments employed in the Territorial Possessions of the East India Company), for the year 1819."

Mr. *Calcraft* said, that he did not intend to oppose the motion, but he wished for a little explanation. The votes of the last year would have been exhausted on the 25th of December, and he begged to be informed how the operations of government had gone on from that date to the present without any new vote by parliament. At least a month's pay had become due to the army subsequent to the 25th of December last, and in what way had that been furnished?

The *Chancellor of the Exchequer* observed, that as the hon. member's observations applied to all parts of the public service, he should beg leave to answer them. It was obvious, that if government were limited in the application of any grant to the exact period for which it had been voted, parliament would be always obliged to meet previous to the last day to which the votes extended. But his majesty's ministers always conceived they had the power of applying any sums that might remain, after discharging the expenses of the year, to that branch of the public service for which they had been granted. In the estimates, the charges were not made prospectively, but retrospectively, and on that account, balances, in many instances, necessarily remained, and a running account was kept up from one year to another. He did not see any irregularity in thus applying the surpluses of public money, provided the sums granted were always expended on that particular part of the service for which they had been voted.

The Resolution was agreed to.

EXCHEQUER BILLS.] The Chancellor of the Exchequer then moved, "That a

sum, not exceeding 24,954,300*l.*, be granted to his majesty, to pay off and discharge exchequer bills made out by virtue of an act of the last session, for raising 11,600,000*l.* by exchequer bills, for the year 1818; and also by another act of the same session, for raising 30 millions by exchequer bills, for the year 1818, outstanding and unprovided for."

Mr. *Grenfell* did not rise to make any opposition to the motion, but he availed himself of the opportunity to press upon the attention of the House the necessity of obtaining for the public a participation in the profits of the Bank—profits arising from the balances of the public money in their hands. The House were aware that two loans, as the Bank termed them, one of six millions, the other of three millions, had been made by the Bank to the public. The loan of three millions was negotiated in consequence of the investigations of the committee of that House in the year 1807, when it was concluded between Mr. Perceval and the Bank of England, that such a sum should be advanced, free of interest, to the public, on the admitted ground of the right of the public to participate in profits wholly arising from the large balances belonging to it, of which that body availed themselves to their own advantage in the same way as any other bankers did. The amount of these balances was between ten and eleven millions, and had continued undiminished until the year 1817. He regretted that the hon. member for Corfe Castle and also the right hon. gentleman at the head of the department of woods and forests were not in their places, as he could appeal to them whether he was not fully authorized in asserting that this loan of three millions was concluded on the express condition of being granted without interest, and as a compensation to the public for its share in the participation of the profits of the Bank. The period of that loan of three millions without interest expired in April last, and as it had not been paid off, the country was now giving the Bank interest upon it to the amount of 120,000*l.* per annum. At this very moment, too, the Bank were deriving enormous advantages from the balances of public money in their custody, which, if in the hands of private bankers, would produce not less than from 550,000*l.* to 600,000*l.* per annum, and without affording the nation the slightest participation therein. He asked the right hon. gentleman how he could give his assent to such a contract? He could scarcely believe his eyes when he saw in the accounts of the last year 4 per cent charged on the sum of three millions from April, an item of 120,000*l.* against the public, merely because the Bank allowed it to draw out of their hands three millions out of nine, or ten of their own money. He merely threw out those few remarks then, intending to speak at large on the subject at another opportunity. He should be happy to hear of any arrangement by which those large balances could be rendered available to the public.

The *Chancellor of the Exchequer* observed, that as an occasion would so soon occur for fully discussing the concerns of the Bank, he did not mean at present to enter into that subject at any length; but upon some points to which the hon. gentleman had adverted, he had no hesitation in explaining the views of government. With respect to the loan from the Bank of three millions, in 1818, there was a new arrangement in contemplation upon that loan and the interest granted for it, which he would take an opportunity of stating to the House to-morrow. Then, as to the public balances in the hands of the Bank, there had been some communications respecting them between government and the directors, and the object was, to make such arrangements that the public balances should in future be applied to the public service. Here he thought it right to state, for the correction of some floating errors, that the amount of the public balances in the hands of the Bank were by no means equal to what many gentlemen appeared to think. A great reduction had taken place, in the amount of those balances, in consequence of the termination of the war and the reduction of the public expenditure, and partly also, in consequence of the economical arrangements of his majesty's government. Whether any retrospective measure should be adopted with respect to interest upon such public balances as had been heretofore in the hands of the Bank, he would not then say; but he could distinctly state, that it was in contemplation to make prospective arrangements for the application of all public balances to the public service. He thought it necessary to correct a mistake which had gone into circulation, with regard to the sum due from government to the Bank. That sum did, as was stated,

amount to eight millions; but of that sum, five millions were already paid, and provision would be made, out of the ways and means for the year, for the liquidation of the remainder. He was sorry for the misconception which had gone abroad, as to what he had said on a former evening upon this subject; but that misconception was, no doubt, owing to his not having been distinctly heard.

Mr. *Grenfell* expressed his satisfaction at hearing that it was at length determined by the right hon. gentleman to propose that arrangement upon the subject of public balances, which he himself had so long and so eagerly sought to establish.

The *Chancellor of the Exchequer* declared, that it had always been his object to propose such an arrangement, but that he felt the difficulty of carrying it into effect, without the approbation and co-operation of the Bank; and he was now happy to say, that the directors fully concurred in his views.

Mr. *P. Moore* observed, that the right hon. gentleman had not attempted to controvert any point advanced by his hon. friend. On the contrary, the right hon. gentleman had expressed his intention to adopt the suggestions of his hon. friend, and to act upon his views. This he had heard with peculiar satisfaction. But there was one point connected with this subject, to which he was surprised to find his hon. friend had omitted to make any allusion. His hon. friend had forcibly animadverted upon the extraordinary transaction of the Bank lending three millions to the public without interest, on the condition, forsooth, that the public balances amounting, on an average of several years, to ten millions, should be allowed to remain in its hands. But his hon. friend had omitted to ask, why those balances should be at all deposited in the Bank? Such a system of deposit appeared to him inconsistent with the provision of the several appropriation acts: upon what ground was it that the money appropriated by these acts, was not advanced according as it was required, for the use of the army, the navy, or any other department of the public service, for which it was voted, instead of being transferred to the Bank? Why should not such advances be made by the exchequer itself, to each of the public departments, instead of being sent to the Bank? Such a system appeared to him quite incomprehensible upon any fair public grounds. The chancellor of the exchequer had now shown what use could be made of those balances. He had shown that what was deficient in one department was made up out of the surplus of another. But instead of issuing five millions for the service of the navy and army, why did he not take them from those balances?

The *Chancellor of the Exchequer* insisted, that he had never said that the surplus of one department had been applied to the service of another. However proper or economical such a plan might be, it would not be authorized, and he should therefore consider it a breach of his duty. All that the executive government had considered itself at liberty to do, was, to apply any part of the sums granted by parliament for any service, and which might remain unexhausted, to that particular service, beyond the time for which it had been voted.

The Resolution was agreed to.

WILD ANIMALS RECLAIMED.] Mr. *Lawson*, pursuant to his notice, rose to call the attention of the House to the state of the law as it respected wild animals reclaimed from their original barbarism and natural ferocity. He was aware that he might be exposing himself to some degree of ridicule by leading the House into such a discussion. There were honourable gentlemen on the other side of the House, whom, however, he did not then see in their places, who, from their manner of treating his observations on a recent occasion, might perhaps allege that he had undertaken this subject from a fellow feeling, he being himself *ferœ naturæ*. It was very far from his wish, he could assure them, to increase the number of penal enactments, or add to the severity of a code, against which the sentiments of the public were now so loudly proclaimed. He had not been hunting through the volumes of our criminal jurisprudence for the purpose either of filling up chasms, or lopping off exuberances. He had been induced to submit his present proposition, not by any impatience to become a legislator, but because he thought the law defective in this particular case. At a late trial during the last assizes at Hertford, a man was indicted for stealing a number of tame ferrets. The jury found him guilty; but the case being referred to the judges, who were just equal in number to the jury, but who had not the advantage of being starved into unanimity, they unani-

mously agreed, that ferrets being animals *feræ naturæ*, no property could be held in them, and that the stealing of them was not punishable. Now, he contended that a ferret was not the useless creature which it was generally thought. It was a most powerful antagonist to that most noxious, odious, and destructive animal the rat [a laugh], and more effective against it than poison, traps, gins, and all that the hammer and the anvil could forge. One of our great poets had told us, that "all things were made for man's delight and use," and therefore he proposed that whenever any animal of whatever description, became of delight or use to its master, his law should protect it. Some gentlemen seemed much to enjoy his allusion to rats, but if even these animals could be reclaimed, he would have them deemed property, and so protected. If, indeed, a rat could be so reclaimed as to run from one side of that House to the other [a laugh], he would have such an animal protected from traps or gins. He also proposed to have menageries protected; for what just reason could be assigned for not protecting the property of Mr. Polito, or any other proprietor of wild beasts who resided in town, or who travelled through the country? Such animals ought, indeed, upon every just ground, to be protected by law; for their general exhibition was known to be of great utility, especially to the youth of both sexes, in presenting them with a practical illustration of the natural history of those animals. Why, for instance, should not property in a lion be protected? for he was not a base animal; certainly not so base as an ass; and yet the latter was protected by the law, while the former was left without protection. Why should not badgers and monkies also be protected by law? Badgers and monkies had their useful qualities, and if they themselves were not often stolen, it could not be denied in this age of foppery, that many stole their faces, anticks, and gestures. His object would be, to punish the offence of stealing them by seven years transportation, or by whipping, at the discretion of the sessions. The receivers of them, when stolen, should, he thought, be subject to the same, not a greater punishment, as was sometimes the practice in other cases. With regard to their becoming nuisances, he considered the law to be quite effectual upon that subject, and should not, therefore, introduce any new provision with reference to it. He did not boast of possessing any squeamish or morbid sensibility, but he could not see property of this kind in a different state with respect to its protection by the law from any other, and know that the owners of it as well as their families depended on its security, without being anxious to see that protection extended to them. He moved, therefore, "That leave be given to bring in a bill to amend the laws for the protection of Wild Animals reclaimed and retained as private property."

The Attorney General, after some pause, seconded the motion, in order to bring the subject fairly before the House. The gallery was cleared, but the motion was negatived, without a division. —Mr. Lawson said, he would consign the other motion of which he had given notice, namely, with regard to the repeal of the law respecting Trial by Battle, to the more able hands of the attorney-general, and that learned gentleman accordingly gave notice of a motion upon the subject for Tuesday se'nnight.

HOUSE OF LORDS.

Tuesday, February 2.

SECRET COMMITTEE ON THE STATE OF THE BANK OF ENGLAND APPOINTED.] The Earl of *Liverpool* said, he rose in pursuance of notice, to move for a Secret Committee to inquire into the State of the Bank of England, with reference to the resumption of cash payments, at the period prescribed by law, and into other matters connected with the subject. In doing this, he had no hesitation in stating that it had been his most anxious wish that the resumption of cash payments should take place with the least possible delay, that no time whatever should be lost in returning to our ancient policy, as soon as circumstances would possibly allow. It would be in the recollection of their lordships that on the opening of the session he had stated his opinion that circumstances would not permit the return to cash payments at the period prescribed by law, but that if that should prove to be the case, it was intended by his majesty's government merely to propose the continuance of the restriction till March next, and that if it should in the mean time be thought requisite still to continue the restriction, a committee should be appointed in the next session to investigate the subject,

previous to any determination being come to. Subsequent to his making that declaration, he was induced, as he before stated, to change his intended course, and to propose the committee in the present session, instead of the next. Under these circumstances, it was his earnest wish that the inquiry should be as large and as extensive as possible. It was with this view that he had inserted general words in the motion, which would embrace all the questions that related to the subjcet, without in the least fettering the committee, but leaving them to take their own course in the way they thought best calculated to render the inquiry most effectual. The result of the investigation could alone be rendered satisfactory to the public, or justice done to the subject, by thoroughly examining every branch of the question. Having thus proposed an inquiry in the largest possible sense, he did not think it would be proper for him to enter now into any discussion of the subject. It was most desirable, with a view to a thorough and impartial inquiry. With a view to the whole of this subject being examined in every point of view, and completely sifted to the bottom, that noble lords should come to the investigation, forgetting as much as possible the opinions they might have declared, on whatever side, upon this question, and with a determination to obtain every information upon it that could be procured, in order to arrive at the best and most expedient result. It was an unavoidable inconvenience attending the investigation, that they could not have upon the committee noble lords who had not on one side or the other declared an opinion upon the subject; but they need not increase that inconvenience by now prematurely entering into the discussion, or delivering any opinion. It was his most anxious wish that a thorough and complete investigation should take place of every branch of the subject, and with this view he now moved, "That a Secret Committee be appointed by ballot, to consist of thirteen lords, to inquire into the state of the Bank of England, with a view to the resumption of cash payments at the period prescribed by law, and to take into consideration any other matters connected therewith, with power to report any information which they may think fit to be communicated without injury to the public interests, with their observations thereupon."

The Earl of *Lauderdale* thought, from the wording of the motion, that the committee on reporting information to the House, would be precluded from making any observations, except upon the information so communicated, although they might have important observations to make, arising from evidence which they might not think it expedient to communicate.

The Earl of *Liverpool* said, he did not think it advisable, in the present stage of the question, that the committee should be authorized to deliver an opinion; nor did he mean that they should be confined to the mere reporting of evidence; he had, therefore, adopted the middle course of allowing them to report such observations as they might think necessary to explain any parts of the evidence, or that they might think of importance.

The Earl of *Lauderdale* was still of opinion that the words of the motion would preclude the committee from making observations upon any part of the evidence, except the information they actually reported.

The Earl of *Harrowby* observed, that the words of the motion were the same as those used in 1797, on the appointment of a secret committee, of a similar description, and they had not given rise to any difficulty.

The Earl of *Liverpool* was only anxious that the committee should have the fullest powers to inquire, and full liberty to report their observations. He had no objection, therefore, to strike out the word "thereupon," which would, at all events, leave the committee completely at liberty to make such observations as they should deem meet.

The Marquis of *Lansdowne*, in agreeing most fully in the propriety and expediency of the motion, also cordially agreed with the noble earl, that the members of the committee should come to the inquiry without any reference to their previous opinions, but with a determination to enter upon the fullest investigation of the subject, and only after a thorough inquiry to come to a conclusion upon the evidence. With regard to its being a secret committee, some communications from the Bank might require secrecy, but otherwise the whole subject, in all its branches, was so completely before the public, that he could see no necessity whatever for secrecy. The state of the Bank of England too, he considered a very subordinate part of the inquiry. He had no doubt

whatever of the solvency of the Bank, or of its complete ability to make good all its engagements; there could be no question upon that point; the main investigation must turn altogether upon other circumstances, which were in every respect amply before the public. He did not mean, however, to take the sense of the house as to whether the committee should be secret or not, but merely to observe, that as to all the most material part of the investigation there was no necessity whatever for any secrecy.

The motion was agreed to; and it was ordered that the committee should be balloted for on Thursday.

Petition from London respecting the Insolvent Debtors Bill.] The Earl of Shaftesbury presented a Petition on behalf of the Common Council of the city of London against the renewal of the above act, and strongly expressive of the petitioners opinion as to the injustice and injurious tendency of its operation.

The *Lord Chancellor* observed, that a more important subject could not come under the consideration of parliament than that to which the petition referred, and which must form a question for discussion in the course of the present session. With a view to the due investigation of this subject, and to the obtaining of that information which was requisite to enable the House fully to consider it, he intimated his intention of moving in a day or two, for a statement of the number of persons who had been discharged under the provisions of the Insolvent Debtors' act, their names, the sums for which they had respectively obtained their discharge, and the dividends paid.

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, February 2.

Coal Duty—Petition from Southwark.] Mr. *Calvert* presented a petition from certain manufacturers and inhabitants of the Parish of St. Saviour, Southwark, against the present high duties on Coals. The petitioners complained that it was a most unequal and oppressive duty, and was an imposition contrary to all principles of fair taxation. They stated that the duty paid in the metropolis, in the counties of Surrey, and of Kent, was 9*s.* 10*d.* per chaldron; while the duties paid in the maritime counties was 6*s.* 6*d.* per chaldron; and the inland counties paid nothing at all. In the metropolis, a population of 1,200,000 paid 700,000*l.* duty; in the maritime counties, a population of 4,500,000 paid 1,000,000*l.* duty; and in the inland counties a population of 3,500,000 paid no duty at all.

Sir *Robert Wilson* spoke in support of the petition. The duty, as it was at present raised, was, he said, at variance with all the just principles of taxation. The petitioners sought only for a fair distribution of the duty. He recommended that a bill should be introduced for this purpose.

Sir *M. W. Ridley* said, that, as to the taking off the duty on coals, he would give his support to any measure for that purpose, but when it was proposed to take this duty off for the purpose of laying it on the shoulders of others, to this he could never assent.

Ordered to lie on the table.

Westminster Hustings Bill—Petition of Mr. Hunt.] Mr. *D. W. Harvey* presented a petition from Mr. Hunt, against this bill. The hon. member declared, that in presenting this petition, he begged the house to be assured, that he brought the matter forward as a member of that house, and that he by no means wished to be considered as partaking in any of the views or principles of the petitioner.—The petition was then brought up, and read, as follows:

> "To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled:—The Petition of Henry Hunt of Middleton Cottage, in the county of Southampton, esq.;—

"Humbly sheweth; That your petitioner having been a candidate at the last election for the city of Westminster, felt it his duty to lay before your hon. house a short statement of some of the facts relating to the conduct of the high bailiff of the said city, seeing that it was the object of the said high bailiff to get another bill to pass your hon. house to protect him in the continuance of such conduct. But as your petitioner perceives that it is still the intention of some of the friends of this measure to press it upon the consideration of your hon. house without any inquiry whatsoever, he begs therefore, most earnestly to call the attention of your hon. house to some other

facts which occurred during the late election; which were not only in direct violation of the privileges of your hon. house, but, if persisted in, will prove the total subversion of the freedom of election. Your petitioner cannot but lament that an hon. member, the mover of the present bill now pending in your hon. house, should have only answered the important facts in the said petition presented, by vague and groundless charges against your petitioner, totally unconnected with the merits of the present bill.—Your petitioner feels that it would be indecorous in him to make any other reply to these heavy charges, than to implore your hon. house to permit him to prove at your bar, before a committee thereof, that the very reverse is the fact.—Your petitioner most distinctly states, that the disgraceful and cowardly assaults that were daily committed upon the person of sir Murray Maxwell, were neither sanctioned by your petitioner, or any of his friends; but, that they were committed by a gang of hired drunken ruffians, instigated by those who were acting as the friends of an hon. baronet, the present member for Westminster; which infamous and cowardly assaults could never have been put in force or repeated, without the collusion of the said high bailiff, and the connivance of the constables under his control.—Your petitioner most distinctly disclaims any intention either in this, or his former petition, to obtain the protection of your hon. house to stay the sharp proceedings of the high bailiff and his solicitor against your petitioner in the courts of law, as he is fully persuaded, that he shall have ample justice done him in the honourable court to which those proceedings are referred. Your petitioner is only anxious that your hon. house should investigate the conduct of the said high bailiff, before you pass any new law for his protection; and that your hon. house will cause a committee to be appointed to examine into the very large amount of the income of the dean and chapter, which your petitioner believes to be upwards of 60,000*l.* a year; and who are bound, as your petitioner humbly submits, to indemnify the high bailiff, whose servant he is, for the fair expenses of executing the king's writ.—Your petitioner also submits to your hon. house that there is the less cause to hasten the present bill through your hon. house, to protect the said high bailiff from the expenses of the approaching contest, as Mr. Smedley, the solicitor and legal adviser of the said high bailiff has officially informed your petitioner, in the presence of a third person, that it is not the intention of the said high bailiff to put himself to any expense in the erection of hustings; but that the said high bailiff is determined to execute the king's writ, in the open air, and that the poll shall be taken in eleven watch-boxes.—Your petitioner therefore most humbly prays that your hon. house will not pass any new bill exclusively for the protection of the said high bailiff to exonerate him and his employers, the dean and chapter of Westminster, from the payment of the necessary expenses of executing the king's writ; and your petitioner implores your hon. house to permit him to prove all and every of the allegations contained in this and his former petition either at the bar or before a committee of your hon. house, all and every of which allegations your petitioner is ready to prove, and prays that he may have an opportunity of doing. And, &c. HENRY HUNT."

Mr. *Bennet* denied that he had used any language which could be termed disrespectful to Mr. Hunt. No word had ever dropped from him, which had the slightest allusion to the conduct of that gentleman.

Ordered to lie on the table.

WESTMINSTER HUSTINGS BILL—PETITION OF ELECTORS OF WESTMINSTER.] Sir Francis Burdett presented the following petition against this bill:

"To the Commons of the United Kingdom of Great Britain and Ireland in parliament assembled:—The petition of the undersigned electors of Westminster,—

"Sheweth; That your Petitioners are induced to address your hon. house in consequence of a bill now in progress through your hon. House, to continue an act passed in the 51st year of his present majesty, intituled, 'An act to extend 'and amend an act of the 18th year of 'his late majesty Geo. 2nd, touching the 'Election of Knights of the Shire to serve 'in Parliament for England, respecting 'the Expenses of Hustings and Poll Clerks, 'so far as regards the City of West-'minster.'—That your petitioners are few in number only, because time has not been allowed to call an open public meeting of the electors; but your petitioners

have reason to believe, that they now express the opinions and desires of the great body of the Westminster electors.—Your petitioners beg leave to state to your hon. house, that the act of the 51st of the king was passed at the solicitation of the high bailiff of Westminster; and, in consequence of the recommendation of a committee of your hon. house, recommending, that on account of want of time and information requisite to form the ground of a more permanent legislative measure, a temporary act, for two years only, should be passed.—Your petitioners further beg leave to state to your hon. house, that this act was continued in the 53rd of the king, at the solicitation of the high bailiff, and for the same reasons; and that the act expired on the 1st day of the present year.—That your petitioners have heard, and believe it to be true, that the office of high bailiff of Westminster was formerly a compulsory office, imposed for a single year, under a penalty for refusal; but, that such office is now purchased from, and immediately held under, the dean and chapter of Westminster; and your petitioners have not been able to ascertain under what law the appointment is made, nor under what law or authority the dean and chapter, or an officer appointed by them, are required to take the election of members of parliament for the city and liberty of Westminster.—That your petitioners have heard and believe that the elections were formerly made in the Guildhall of the said city, at the expense of the dean and chapter, who exercise the civil government of the city and liberty. But your petitioners have not been able to learn under what law or authority the dean and chapter are invested with the civil power exercised by them.—Your petitioners further represent to your hon. house that the high bailiff having purchased his office of the dean and chapter for a sum of money, furnishes no ground for his being paid money by any person who may become a candidate, the purchase and sale (even if legal) being an affair between the parties with which candidates for a seat in your hon. house have no concern.—Your petitioners submit to your hon. house, that as the high bailiff may, at any time, resign his office, he is not bound to incur expenses on account of any services the dean and chapter may require him to perform; and that he is not compelled by any law to take the elections for members to your hon. house. That as he is not bound to incur any expense, he does not choose to incur, and as he is not bound to execute the king's writ, your petitioners take leave to suggest, that he is not a person in whose favour a law should be made which compels candidates to pay large sums of money somewhat in the nature of a fine for attempting to serve their country as representatives of the people in your hon. house.—Your petitioners beg leave to represent to your hon. house, that as it is the high bailiff himself who solicits the act for his own advantage, to the injury of those who may become candidates, and to the hindrance of free election, it is incumbent upon him to show to the satisfaction of your hon. house, that the dean and chapter of Westminster by whom he is appointed, are not compelled by law to take the election of members for the city and liberty of Westminster; and your petitioners trust, that your hon. house will not pass an act at the instance of the said high bailiff, which may compel a candidate for a seat in your hon. house to pay a sum of money, which, in certain cases, may exceed 1,000*l.*—Your petitioners therefore pray that your hon. house will not pass the bill now before your hon. house, respecting the hustings and poll clerks for the city and liberty of Westminster; and that your hon. house, will be pleased to cause due inquiry to be made into the powers, duties, and emoluments of the dean and chapter of Westminster, so far as they relate to the civil offices held by them, or to which they appoint, and especially in relation to the election of citizens to serve in parliament for the city and liberty of Westminster."

Ordered to lie on the table.

Papers relating to the Congress at Aix-la-Chapelle.] Lord *Castlereagh*, in reference to the Papers relating to the Congress at Aix la Chapelle (see p. 168), observed, that other papers yet remained, which he should be able to present in a few days. Those documents were of a most important nature. He alluded particularly to the correspondence which had passed on the subject of the slave-trade, and to certain documents which contained an official statement of the modifications of the instalments of the contributions to be paid on the part of France, and agreed upon between the

allied powers and the French government. With respect to the convention which had been agreed upon for the evacuation of the French territory, and the other official documents concerning our foreign relations, he should not now trouble the House with any observations; but he expressed his readiness to answer any questions which any member might think proper to put. He would take that opportunity of giving a notice of some importance relative to this subject. In April 1818, a convention was concluded with the French government, in which the claims of certain private individuals on that government were recognized. For the purpose of carrying these arrangements into execution, it was his intention to propose the introduction of a bill, and he would name Thursday next for that purpose. In the mean time, the gentlemen on the other side would have an opportunity of looking into the papers he had laid upon the table, and perhaps some questions might suggest themselves, which he should have great pleasure in answering.

Norwich Petition for Two Gaol Deliveries in the Year.] Mr. *W. Smith* said, he held in his hands a petition relating to a subject of the greatest importance, connected with a motion, of which notice had been given by an hon. friend of his, for an address to the Prince Regent, to institute some measures for the better administration of justice in the Northern counties. It was a petition from the inhabitants of the county and city of Norwich, containing, among other signatures, the names of the persons who served on the grand jury at the last assizes. The petitioners stated one extremely strong fact, which, he thought, would go far to induce the House to comply with the prayer of the petition, which was, for a more speedy gaol delivery for that city and county. In addition to all the other points, they stated, that a young man had been committed to gaol for an alleged crime; that when the indictment was compared with the depositions of the witnesses at the trial, there was such a disagreement between them, that it was necessary to remand him; that this occasioned a delay of more than a year before he could be brought to trial; and that, after remaining in prison nearly two years, he was found wholly innocent. If an imprisonment, conducted in the best manner, for such a time, was an evil not to be borne, what must an imprisonment for such a length of time have been, conducted as it was in our prisons, where, in addition to all the other hardships, the prisoner was exposed to all the contamination of these abodes of vice and crime? He thought such an evil ought not to be tolerated in a country like this.

Ordered to lie on the table.

Bank Restriction Continuance—Petitions in favour of.] Mr. *Stuart Wortley* presented a petition from certain merchants of Halifax, praying that the Bank Restriction act might be renewed. He was ready to admit, that some bankers had affixed their names to this petition, and confessed he did not see what objection could be made to it. He did not know how far a right hon. gentleman meant to carry the principle which he had laid down; but it certainly appeared to him, on a question of this nature, involving so many intricate points, and embracing so many delicate topics, that bankers, who were so much concerned in money transactions, were most capable of judging, as being most acquainted with the subject.

Mr. *Canning* rose to present a petition to the House upon the same subject. The petition was signed by about 200 most respectable and intelligent inhabitants of Liverpool, and not only was to the same purport, but, he believed, in the very words of the last petition. It was signed by individuals entertaining a variety of political sentiments, and he believed about half the bankers in Liverpool had affixed their names to the petition. This was a question of peculiar interest to the county of Lancaster, as the whole circulation of that county was in Bank of England notes; and in this respect the observations of the right hon. gentleman could not apply. There was one peculiarity in this petition, that one of the gentlemen who had signed it, had thought proper to enter into an explanation of the motives by which he had been actuated in affixing his name to it. He (Mr. Canning) had had full liberty to erase that explanation, if he had thought proper; but conceiving that it was not inconsistent with the forms of the House, and that the petitioner had concurred in the general prayer of the petition, he had not struck it out. This gentleman was a man of the highest respectability, and of some

consequence in the commercial world; he was an individual for whom he entertained the highest personal respect, but with whom he had the misfortune to differ in politics; so much so, that at the last election at Liverpool, this gentleman was chairman of the election-committee of his antagonist. On this account it was, perhaps the more his wish to do him justice on the present occasion. The prayer of the petition was for a continuance of the Bank Restriction act; but it recognized the importance of the Bank of England resuming cash payments, allowing, however, that the present was not the fit opportunity for that purpose. The name of the gentleman who had entered into this explanation of his motives was Cropper, and his explanation was as follows:—"James Cropper wishes that payments in specie may be postponed, but does not agree in the importance or advantage of their ever being resumed." He confessed that he much differed from Mr. Cropper in this qualification of his opinion; but he was extremely anxious that it should be received by the House, unless it absolutely vitiated the petition.

Mr. *Tierney* was happy to see that at least there was one individual who was not ashamed of openly declaring his opinion. This was the most honest signature he had ever seen to any petition. The signer spoke out manfully, and declared what his real sentiments were; he disguised nothing, and seemed to be afraid of nothing. He earnestly wished that this noble example should be followed by others.

Ordered to lie on the table.

Motion for a Committee on the State of the Circulating Medium, and on the Continuance of the Bank Restriction.] Mr. *Tierney* said, he rose in pursuance of the notice which he had given, to propose to the House a resolution for the appointment of a committee to institute an inquiry into one of the most important subjects which could possibly engage the attention of the House. The motion with which he should conclude would be for a committee to inquire into the effects produced on the exchanges with foreign countries, and the state of the circulating medium, by the restriction on payments in cash by the Bank, and to report whether any and what reasons exist for continuing the same beyond the period now fixed by law for its termination. It would be recollected, that, from time to time ministers had promised that cash payments should be resumed, and from time to time the hopes of the country had been disappointed by renewed restrictions which had now continued for more than one and twenty years. The preamble of the last bill upon this subject stated, that various unforeseen circumstances rendered the continuance of the restriction necessary; and the nation had been within a few days informed, that various other unforeseen circumstances made it expedient that the issue of specie should be again postponed until the 20th of March, 1820. Having already spoken of the importance of the question, he would not trouble the House with another word upon that point: it had pressed itself forward by its own weight and impetus, and was now looked to with anxiety by all classes of society: petitions had been laid upon the table from different quarters, and it seemed to bid fair to become as popular as the question of annual parliaments and universal suffrage; at least some of those petitions, from their resemblance to each other, seemed to indicate not only a great unanimity of sentiment, but an unanimity of expression, as if, in fact, they had been obtained in the same manner as those were last year for annual parliaments. Unless he explained the nature of his motion, many gentlemen would perhaps wonder why he came forward, seeing that there was one point of agreement among all, namely, the necessity of inquiry: it was necessary, therefore, to show what in truth was the real difference between him and the chancellor of the exchequer. He was persuaded that no member would vote for the proposition of the other side, unless it could be shown that his (Mr. Tierney's) motion was defective—that it omitted some necessary point, or left untouched matters into which inquiry ought to be made. He did not believe that in a House containing men so professedly independent [Hear!]—he meant those who did not feel themselves bound to vote with either one side or the other—any paltry distinction would be taken as to the quarter from whence the motion proceeded; the decision would be made, not upon the merits of any particular party, but upon the real merits of the question.

The first part of his motion had been rather dictated by a sense of fairness than

by any other consideration. He did not think that any thing new could be adduced to alter the opinions he had already formed on the subject of foreign exchanges and a circulating medium; and he hoped that he could say as much, or nearly as much, for two right hon. gentlemen opposite (Messrs. Canning and Huskisson), to whom the country was highly indebted for their labours upon this subject. For his own part, he was ready frankly to avow now what he had always asserted, that the principles laid down by the bullion committee, of which his late excellent friend Mr. Horner, had been chairman, constituted his creed, and he had yet seen and heard nothing to lead him to forsake it. He would say further, what he had often observed in conversation, that it was a matter of great satisfaction to him to find how rapid a progress truth had been making from day to day upon this subject. Indeed, the question had now become one of a totally different nature: it was no longer a question of exchanges, on the transmission of gold from one country to another, or on the dangers to which the Bank might be exposed: the only real point for decision was, whether the old circulation ought or ought not to be restored within those limits to which legitimate circulation was formerly confined in this kingdom. Abstruse points were no longer in dispute; it was now reduced to a mere practical question, whether it was just to the public, or safe to the state, to continue the present circulation to its present amount? Upon this, alarms had spread from one end of the country to another; and it had infected, not only the majority of the commercial, but had touched even the landed interest. They had been taught to believe that the very existence of the empire depended upon no diminution being made in the present amount of the circulating medium; that if paper were rejected, the nation was ruined and undone for ever. This was a doctrine which he had heard without surprise, because it was a doctrine which had been foretold, not only by himself, but by much wiser men: the House had been warned, over and over again, not to proceed in such a destructive system: it had been told, that if the restriction were prolonged, in time it would be impossible, without great hazard, to return to the point from whence it had started; and it now turned out, by the confession of all, that the habits of the patient had been so vitiated that he had not strength to bear the only remedy for his disorder. This alarm, it was true, had not started up lately; but it could not have reached its present height, if it had not been supported by persons of considerable weight and consequence in the country. He hoped he should not say any thing that could be considered as uncivil to any gentleman in the House or out of it; but he should not discharge his duty to the country, if he did not call things by their right names, and distinctly state his firm conviction, that there existed a strong money party in this kingdom, whose sole object it was to avail themselves of their wealth to continue the present system—to exasperate public feeling—and whose ultimate object it was, to control the deliberations of the legislature, and the acts of the Bank itself. This party was composed of persons of different description: some of them were men of the largest fortune and of the most undoubted integrity—men, whose names, from one end of Europe to the other, was synonymous with every thing that was honest and upright, and who lent themselves to this object most conscientiously, thinking that they were doing what was right. But there was another set of men, whose feelings were of a very different description, who might be considered the tail of the party. Whether, in the end, the tail would govern the head, or the head the tail, was a question which time must decide. It was against this tail, that his present motion was directed. He was that night declaring war with the whole body of gamblers, speculators in the funds, stock-jobbers, and all those who were living upon the losses of the honest and industrious [Hear, hear!]. Every word he should utter would be wormwood to them, and would, of course, be liable to misrepresentation. They would assert, that he was only actuated by party motives—that he had not the good of the country at heart. To such charges he should make no defence, but that which the whole tenor of his life afforded. If that did not protect him, he knew of nothing that would; and to that he appealed [cheers]. In what he was doing he could have no possible view but the public good: he had taken upon himself a duty not less laborious than painful; but it was a duty which, as an honest man, he was bound to perform for his country.

The respectable and wealthy individuals he had just referred to, were supported by others, their opposites in almost every particular—men who had overtraded themselves—men who, without capital had embarked in speculations for the purpose of taking money from any body that had it—men, who were up to any job, to any artifice, and whose great object it was to keep up the circulation as full as possible, that they might fatten and flourish upon that fulness, and whose hour of extinction would arrive the moment the circulating medium was brought back to its legitimate state [Hear, hear!]. Unfortunately, that hour had been so long postponed, that those who, a few years ago, were merely contemptible, had grown bolder as they acquired wealth, and confident as they procured allies: of these he spoke, when he said that they had spread the alarm which had induced those who, a few years ago, would have been ashamed to put their names to petitions calling for a continuance of the restriction, to come forward, and, in the character of English merchants, demand that England should not enjoy the same circulation which was possessed by every other government of the civilized world. Still they could scarcely be considered formidable, if they did not direct their operations, and with too much success, against a quarter which placed him (Mr. Tierney) in a situation of greater difficulty—the chancellor of the exchequer. And here he begged leave to observe, that he meant nothing personally uncivil or disrespectful to the right hon. gentleman, in what he had to observe upon the course he had pursued; or rather into which he had been driven. For the right hon. gentleman had not in fact, acted voluntarily, but upon compulsion: he had merely been an instrument with which others worked their ends, while his own good understanding had been cowed and subdued into subserviency by their machinations. His whole course of finance—for system it was not—had rested wholly and solely upon paper. No financial arrangements deserving the name of a system, had been adopted since the return of peace. What was the country to think of a finance minister who, year after year, had done nothing but resort to contrivances to glide over, from session to session without inquiry? The plans of the right hon. gentleman were propped by paper, and by paper only. His system had been constantly to hold out the expectation that things would mend—that, by-and-by, if the House would but wait a little, it would find that the income and expenditure of the country would balance each other: in the mean time, the nation was to take his word for the promised improvement, and while the sinking fund was cutting off a certain portion of debt at one end, by exchequer bills, he was adding to it in an equal proportion at the other. His object seemed to be to raise the revenue, and a most laudable object it was; but had he effected it by raising old duties or imposing new? Nothing like it: the bound of his view and the height of his triumph was merely the multiplication of paper. In 1817, the country was beginning to escape from a situation of great distress: the amount of paper in circulation had been diminished from various causes, and the right hon. gentleman, in the month of June, had come down to parliament with a smile of triumph, and told the House that every thing was now restored to the very condition in which he had long hoped to see it: that it would be soon found that the revenue was increasing; that stocks were rising, public confidence flourishing, and that he had no doubt in a very short time that he should so reduce the interest of money as to be able to pay off the 5 per cents, the 4 per cents, and he might even reach the 3 per cents. When every body was looking for the realization of these gay promises, three or four months afterwards down came a number of returns from the Bank that explained the whole mystery: the secret of the triumph of the chancellor of the exchequer was exposed at once; for it appeared, that the Bank had been increasing its issues, that country banks had been following its example, and that, in truth, the state of prosperity was nothing more than an increased paper currency. Take away, then, this single prop on which his system rested, and it must fall; and to what expedient could the right hon. gentleman resort? If the object only was, to increase the issue of one kind of paper, the issue of another kind, in the shape of exchequer bills, would of course call it forth. The pressure of difficulties, in this view, gave him fresh consolation: he had nothing to do but to put forth his exchequer-bills in larger quantities, to make the Bank the holders of them, and larger quantities of

Bank-notes would of course be in circulation. This course had now been pursued for several years, in a way very pleasant to the chancellor of the exchequer, but very fatal to the country. If, then, it was of importance that the right hon. gentleman and his friends should be brought to their senses; if it ever was fit to look our situation in the face, could a better time be chosen than a period of profound peace? Would to heaven he could prevail upon the opposite side to consent! If, after five, or at least four, years of peace, we were still blindly to proceed with this paper system without inquiry, let any gentleman lay his hand upon his heart, and consider how dreadful would be the consequences to the nation, if a war, or even an armament, were to intervene? What resources had we but paper; what means of supporting ourselves, but by one piece of paper piled upon another? The right hon. gentleman would ask, no doubt, "Where is the inconvenience? Do you mean to regret that the revenue has augmented; that I have been able by the issue of exchequer bills to reduce the rate of interest?" He (Mr. Tierney) would indeed rejoice if he could persuade himself that this boasted low rate of interest proceeded from a sound and wholesome cause; but if, on the contrary, it was owing to an extravagant emission of paper, it was mere fallacy and delusion to hold out hopes that never could be realized. It could not be denied, that nothing could be more injurious to a country at all times, but especially in time of peace, than great fluctuations in the public funds: yet there was a set of men, intimately connected with government, who liked nothing better than such fluctuations. That variations of public credit were extremely dangerous was incontrovertible, yet how did the fact stand? In the beginning of 1817, the 3 per cents were at 63 or 64, and by the mere operation of paper they were raised, in the course of only eight months, to 84. The Bank returns proved the truth of what he had stated, for in those eight months there had been a most extravagant issue of notes, and yet it was at that time, and with the knowledge of this circumstance, that the chancellor of the exchequer came down to parliament and boasted that he should immediately proceed to pay off the 5 per cents. Had it been done? No: and he would tell the right hon. gentleman, that as an honest man he should grieve to see it accomplished, if it were to be done by an increased and forced circulation of paper. If it were effected by the honest effects of individual credit, the case would be totally different; but to force stocks to a high price by the issue of notes, and then to pay off the 5 per cents, would be nothing less than deliberately committing a fraud upon the holders. He said "fraud," because he knew of no other word in the language to express his meaning [Hear, hear!]. Let the House look at the situation of the stock-holders: on the faith of government they had embarked their money in the 5 per cents, knowing certainly that it was more likely to be paid off than any other stock; but did they ever dream that the Bank restriction was to be continued (though it would otherwise have expired six months after peace), in part for the purpose, he believed in his conscience, of raising the stock, that the interest of the holders might be invaded? First, the price of all commodities and necessaries was raised by the emission of paper; next it was applied to reduce the rate of interest, and then stepped forward the right hon. gentleman, and told the holders of the 5 per cents, "You knew all along that I should get rid of this stock—the rate of interest is now reduced—the country is in a state of the most glorious prosperity—you are sufferers only because the country prospers—it is the height of ingratitude in you to complain, and I shall pay you off without delay." Surely these were matters well deserving the most deliberate consideration of the House. Had not the period now arrived when parliament ought to act and inquire for itself? Was it not high time to take some steps that should put an end to a system which secretly destroyed the foundations of national prosperity? He took it for granted that things could not proceed for ever in this direction. True it was, that one individual had openly and honestly declared that he wished the Bank restriction to continue for ever: but all were not Croppers—at least all did not dare honestly to avow their opinions as he had done: many hoped that it never would expire, but they had not dared to say so: the breed of Croppers was increasing, probably in every village; and perhaps a long time might not elapse before, trusting to their numbers, they might venture to follow an example which as yet he alone had set them [Hear, hear!].

He had observed that it was not his intention to go into what might be called the learning of the subject, or to discuss any of the abstruse questions arising out of it. He declined doing so, partly because he should be followed by those who were much better informed upon them, and partly, because they had now much less bearing upon the subject; the point in dispute was now quite of a different nature. To meet these difficulties, and to endeavour to overcome them, the most obvious and most rational course was the appointment of a committee; and he should be glad to know if any mode of reference could be more distinct, or more likely to accomplish the object of gaining every species of information, than that which he was at present urging. He did not wish to enquire merley into the state of the Bank, but into the effects produced by the operation of the various laws passed during the last one and twenty years, for continuing the restriction upon cash-payments. He wished to hear some good reason if any could be assigned, why property in this kingdom should not be subject to the same test of measurement which is applied to it in every country under heaven. On this account he was desirous that the committee should report whether any and what objections exist to the resumption of cash payments at the period now fixed by law. He did not mean to state it absolutely and peremptorily as his opinion that they ought to be resumed at that precise day; he should not be speaking sincerely if he affected to be wise enough to point out the exact course that ought to be pursued; but he was anxious that gentlemen disposed to take the alarm should pause and inquire before they yielded quietly to the proposition that the nation was ruined if Bank-notes were withdrawn. Ministers talked in their preambles of unforeseen circumstances; he wanted to know what those circumstances were; it was precisely within the terms of his motion to investigate what reasons at present existed for not returning to the ancient and wholesome circulation of the country. Upon this subject a debate would not satisfy him: it might be very well for gentlemen to enter into arguments, and to make assertions in the warmth of debate, and it would be very easy for those already alarmed to be hurried away by new excitements of their fears: he wished to see these gentlemen and their friends before a committee, and subjected to an examination from all quarters; then it would be seen what they would hazard in their cool moments of reflexion, and whether their doubts and apprehensions were not capable of removal by a very few plain interrogatories. It was the simplest thing in the world for a member to get up in his place, and state, that he was satisfied that this was not the time; but it might give him some difficulty if, before a committee, he were called upon to state the grounds of his opinion. It would be well to ascertain on what foundation the opinions of the numerous petitioners rested; for hitherto only one point had been stated from authority, and that was, the extent of the foreign loans. It would be as well, perhaps to inquire a little what they were. In the last year they amounted in English money to nineteen millions, and the first proposition was, that they were to be paid in the course of nine months. The noble lord, however, and his imperial colleagues at Aix-la-Chapelle, had thought fit to alter both the period and the amount; the first was changed to eighteen months, and the last to twelve millions: so that the sum was reduced and the time extended; and yet those unforeseen circumstances by which the pressure was so materially lightened, were urged as a reason for continuing the restriction. Indeed, he was not at all sure, whether the time had not been extended to twenty seven months [A member who sat near Mr. Tierney said, that it had been so extended]. If that was the case, his argument was the stronger; but whether it was or was not, it was strong enough to show that it could afford no ground for again postponing payments in cash. What was the extent of the danger? It was not pretended that the whole either of the nineteen millions, or of the twelve millions would be taken from this country It was extravagant to suppose that half would be drawn from Great Britain; but taking it at a half, and admitting that eighteen months was the time allowed, the drain would be not more than 330,000*l.* per month. Would any man pretend to say, that England could hold up her head among the nations of the world, if she were unable to preserve her faith, because some individuals had engaged in a loan which was to take from her at the rate of 330,000*l.* per month for eighteen successive months? [Hear, hear!] It seemed extraordinary that the objection should

come from ministers; they had not entered into the speculation: it was the project of private merchants; and he did not imagine, that at the time the loan was contracted ministers contemplated the continuance of the Bank restriction as the consequence of it. Here again, then, the operations of the tail of the party were visible; it was they and they only, who had made this suggestion, for their own private emolument; the French loan was used merely as a peg on which to hang the hopes of one set of men and the fears of another. The moment it was discovered ministers were assailed, they instantly took fright, and spread the wild alarm to the most distant corners of the empire; an alarm, too, of a most extraordinary nature—an alarm at the sight of gold—a singular horror at viewing once more the precious metals [cheers]. It was not to be denied that the chancellor of the exchequer and lord Liverpool had had some most mysterious conferences with gentlemen quite as mysterious in their proceedings. When stocks were at 84, it was asserted that the right hon. gentleman and the earl of Liverpool (but most certainly the latter) were impressed with the notion that the good of the country did require a return to a metallic currency; even the directors of the Bank seemed to concur in that opinion. At all events, whether by compulsion or otherwise, they held it out to the world;—and what came next? In order to enable the Bank to do so, the right hon. gentleman gave notice, that he would pay off a certain amount of exchequer bills: the Bank reduced its issues, and stocks began to fall in proportion. No sooner had this been done, than one of those mysterious deputations waited upon the earl of Liverpool and the chancellor of the exchequer, and they were told that the city was absolutely starving for want of money, and that ruin must ensue. Still ministers seemed desirous of carrying their point; but from day to day they were besieged by deputations with most dismal accounts; and at last a promise was extorted from their fears, that the Bank restriction should be continued for another year [cheers]. The particulars of these negotiations could only be obtained in a committee, for this purpose, among others, he wished to see it appointed. The result was, that the stocks again rose, and the object of the speculators and deputies was for a time accomplished. He begged the house to look only at the enormous fluctuation in time of peace. First, there was a rise of 20 per cent, then a decline of 10 per cent, and afterwards another advance of 5 or 6 per cent. Who were the gainers by these fluctuations?—The designing and artful speculators. Who were the losers?—those who foolishly relied upon the assurances of government, and who imagined that parliament meant to do what its faith was pledged to perform? [hear!] In his original motion he had used the words "public credit;" and did any man suppose, after what had been said, that they were not the proper terms to be employed? Undoubtedly, although he had relinquished them, they were the only words that expressed the real object of his motion. He did not scruple to assert, that nothing deserving the name of public credit at present existed in the country. By the system at present pursued, the unwary were made the dupes of the wary, and while robberries to an enormous extent were committed by low cunning and despicable artifice, the innocent and confiding were compelled to suffer without redress! The former gained the private ear of the minister, and having once obtained a clue, they were enabled to play a game to the utmost advantage, and with a rapacity only limited by a lack of skill in employing the means they possessed. The investigation he (Mr. Tierney) desired, involved almost every thing that rendered life valuable, and it might be asked why he troubled the house, when all were agreed upon the propriety of the inquiry? His answer was this—Because the chancellor of the exchequer objected to the mode in which he wished that inquiry to be conducted. The right hon. gentleman was about to call upon the House in the strongest manner with more force than Mr. Pitt possessed in the plenitude of his power, to come to a vote merely upon confidence. He would state that he had no objection to inquiry; but his objection was to that quarter from whence the motion for inquiry was to proceed. It would not be fit that an opposition member should make the motion, but his proposition ought to be removed, to make way for one to be supported by the ministry. He (Mr. Tierney) was not wedded to his motion, he had agreed to give the chancellor of the exchequer precedence, and triumph if he desired it, a week ago: he had offered any thing to accommodate him, even to change places

if he thought fit [a laugh]; of course he could only be understood as wishing to change places for the occasion: he was not a place-hunter; or if he were, his thirst must be greedy indeed, if he could wish to be chancellor of the exchequer at the present moment, when no man with the right use of his wits, but the right hon. gentleman, would be anxious to fill so arduous and so painful an office—an office, where the occupant seemed to be allowed no will of his own; where he was first assailed by one party, then by another, and at last compelled to submit to an inquiry, for which, until within the last few days, he seemed to have no relish, and could perceive no necessity. On the first day or two of the session the right hon. gentleman distinctly declared that the restriction was to be continued as usual; and he never dreamt of any preliminary investigation, until, as he told the house very frankly and harmlessly on Monday last, one Friday morning some of the Bank Directors called upon him and told him that it would be better if an inquiry were instituted. No doubt, the proposal struck the right hon. gentleman with some astonishment; the suggestion that it might not be amiss to offer at least the shadow of a reason for a renewal of the restriction, very likely appeared to him an unprecedented novelty; but he had choice but to consent, and accordingly, in obedience to the orders he had received, he came down to the house, and surprised every body, by promising to move for a committee. Under such circumstances, had not the house reason to suspect the quarter from whence the chancellor of the exchequer received his instructions? Was it not warranted in demanding an open investigation, in suspecting trick and contrivance, and the movement of wires by some one behind the curtain? This ready concurrence in inquiry proved clearly that there was some device, some purpose to be answered; for in truth the right hon. gentleman himself had no more stomach for it than he had for quitting his place. It certainly appeared, by the right hon. gentleman's mode of proceeding, that the Bank Directors were a party to it, and that if they had had to draw the reference which was to be made to the committee, they could not have framed it more advantageously. For his own part, he entertained not the slightest doubt of the solidity of the credit and resources of the Bank, although he did not think they had adopted all the precautions in regulating their issues which the public interests required. If the right hon. gentleman should induce the house to go into a committee of secrecy, they would probably make out an excellent *prima facie* case, as to the peculiar circumstances in which they were placed. But then followed that other branch of the proposed inquiry which was implied in the latter words of the right hon. gentleman's motion—he meant the words, "and such other matters as are connected therewith." Upon this part of the subject, he was, he must frankly state, more afraid of the right hon. gentleman than of any other person, believing, as he did most firmly, that his only object was, to get the restriction continued. In the last parliament, some measure was in contemplation relative to the country bankers. If that design, as he had learned, was not relinquished, was that one of the questions to be referred to the committee? The loans formed another topic of inquiry, and perhaps it was intended to submit that subject also to its consideration. If these matters required to be investigated in a committee, he had no objection to engraft the words he had quoted in his own motion. All he desired was, that the reference to be made should include a broad and general inquiry, and not be limited to a mere examination of details or temporary circumstances. If he were even allowed to retain the latter words of his own motion, he should be satisfied; but if there were to be only a vague and loose reference to a committee, nominated in point of fact, by the right hon. gentleman himself, he would venture to predict, that the only result would be, that an immense mass of matter would be brought forward without enabling any individual to form a definite opinion respecting it. Perhaps, indeed, the real effect would be to make March 1821, appear a more convenient period for resuming cash payments, than March 1820. There might be gentlemen who were extremely disposed to be of Mr. Cropper's opinion, and who might possibly have some weight with the committee.

If the House would stand by him on this occasion, he would pledge himself that there would be no difficulty in deciding upon the most expedient line of policy. There were many new members in the present parliament, who did not know the chancellor of the exchequer so well as

the old ones did. He could assure them, that if he should fortunately, as he thought for the country, succeed in carrying his present motion, the right hon. gentleman would not lose his place, but would, with the best grace in the world, immediately adopt the motion as his own. The late parliament had had abundant experience of him and his colleagues in this way; and he did not believe that the duke of Wellington himself, with all his military talents, was half so skilful in the science of retreat as the right hon. gentleman [a laugh]. What a triumph had not his hon. friend (Mr. Grenfell) obtained on the preceding night!—he who had so long pressed the importance and necessity of securing to the public a larger share of advantage from the balances of public money of which the Bank had the deposit, and who had been looked on as obstinate and wrong, in repeatedly calling the attention of the House to this subject. The right hon. gentleman had at length come down with a discovery, that his hon. friend was right, professing his intention to act upon the principles which he had recommended, and then taking credit to himself, as if the suggestion had been originally his own. In short, as soon as he perceived that a horse was near the winning-post, he forced the rider to dismount, leaped himself on its back, and then exclaimed, "See, what a jockey I am!" [a laugh]. Thus it was when the House refused to continue the income-tax, the right hon. gentleman boasted of having relieved the country from 14,000,000*l.* of taxation. So also, when an abolition of certain sinecures was deemed a just and necessary measure, his majesty's ministers lent their assistance to carry it into effect, although they had before represented it as little better than tearing the crown from the king's-head. This would be uniformly the case when that House should re-echo the voice of the country, let the question be what it might on which that voice and judgment should be exercised. On these occasions the good would be done, and the ministers still keep their places. He made this observation, because there might be some hon. members in the House for the first time, who, from the abstract idea which they had formed in the country of a minister, might imagine that firmness was one of the qualities essential to his character; and there had been a period undoubtedly, when, if a minister could not abide by one set of principles, he would no longer remain in power. He did conceive, that it would be extremely hard upon him, if the House now refused to sanction his proposition. His motive went no farther than to institute a full and efficient inquiry. The best token of their independence which could be given by those who were professedly independent, would be, to show that the new parliament was not disposed, merely out of compliment to the minister, to get rid of the words in which his motion was framed, to substitute others of a more limited and less operative tendency.

The next question to which he thought it necessary to advert, was, what sort of committee would be most eligible for the purpose he had in view. Ought it to be a select or a secret committee? Now, he would fairly state that he should feel very little anxiety upon this point, were it not for the circumstance of the latter being chosen by ballot. Every committee must be presumed to proceed on the exercise of a sound discretion, and might certainly inquire under an obligation of secrecy, as extensively and usefully as if restrained by no such condition. But did not every man know how a committee chosen by ballot was uniformly composed? The bullion committee had not been so chosen, and yet it had found no difficulty in withholding or suppressing names which it might not have been prudent or desirable to disclose. If important evidence were given by any individual who objected to the publication of his name, the committee had only to leave a blank, and let it stand as the testimony of a British or continental merchant. When the state of the Bank itself, their discounts, or the quantity of bullion in their possession, was necessarily touched on, the results were stated in cabalistic numbers, and no secrets improperly divulged. This was the course pursued by the secret committee of 1797, in the report which they made to the House. He had a further objection to the reference, as it was now proposed to conduct it; and felt satisfied, that on a question the most vital and interesting to the salvation of the empire that could now become the subject of discussion, two distinct committees were required, under all the circumstances of our present situation. His own motion had for its object to institute a general inquiry; but if the right hon. gentleman wished also that the affairs of the Bank

should be investigated, he had no objection whatever to the appointment of a secret committee for that purpose; but if, on the other hand, his determination was, that because there was a small inquiry which ought to be made secretly, a great inquiry ought to be conducted in the same manner, and that because the committee was one of secrecy, therefore it ought to be chosen by ballot, he should certainly persist in his intention of taking the sense of the House upon such a proposition. He was resolved not to give up one word of the latter part of his motion; for, without such a reference as that which was there indicated, no categorical answers, or solid information, would be obtained. If the hon. members whom he now saw in the House for the first time were willing to discard the words of his motion for the vague ones proposed by the chancellor of the exchequer, they would give the most conclusive proof of their entire devotedness to the minister—they would, to use the hunter's phrase, "blood themselves at starting," and show that whatever proposal he might make, they might be depended on as its supporters [Hear, hear!]. The right hon. gentleman concluded by moving, "That a Committee be appointed to inquire into the effects produced on the Exchanges with Foreign Countries, and the state of the Circulating Medium, by the Restriction on Payments in Cash by the Bank; and to report whether any, and what reasons exist for continuing the same beyond the period now fixed by law for its termination."

The *Chancellor of the Exchequer* regretted that the right hon. gentleman had so soon laid aside all the ideas of conciliation and unanimity, which a few days before he had professed with respect to this great question, to adopt, on this occasion, the language of mere vulgar party feeling. He begged the House to notice how the question stood between the right hon. gentleman and himself. On the second day of the session, the right hon. gentleman had given notice of a motion for an inquiry into the state of public credit—a notice, the terms of which were, as the right hon. gentleman himself had perceived, so very vague and objectionable, that soon after he voluntarily abandoned it, on account of the alarm which he confessed it had occasioned. But what had happened in the interval? Why, he (the chancellor of the exchequer) had given notice of his intention to move for such a committee as the right hon. gentleman had since explained himself to have had in view, in his general and indefinite notice, but more extensive, complete, and definite in its object, than the one which the right hon. gentleman had this evening proposed. Instead, however, of closing with the proposition thus made, the right hon. gentleman objected to it, and, as he seemed to confess, chose, for the mere sake of party contest, to bring forward a motion less correct in its form, and less distinct in its object. He should compare the frame of the two motions; but he felt it unnecessary, on an occasion when, as he apprehended, the House was unanimous in desiring a full and fair inquiry, to enter into many details with respect either to the general conduct of his majesty's government, or to the conduct of that department of the public service with which he was more immediately connected.

At any proper time he should be perfectly ready to enter into that discussion. In the mean time, he should deny, and challenge the right hon. mover to the proof, that the financial system of the country had been unstable and injudicious. Of the injustice of such an imputation the House might easily judge, by a very short reference to accounts laid before parliament, and to its public proceedings. He defied the right hon. gentleman to mention any period equal in duration to that which had elapsed since the conclusion of the war, in which so much had been done in the way either of diminishing taxation or of reducing the public debt. Within three years after the termination of the war, the people had been relieved from no less than fifty millions of taxation, taking the aggregate amount of the taxes remitted during the period from their cessation to the present time. This was, undoubtedly, a great relief to the country, although he was ready to repeat what he had so often said, that the repeal of taxation to such an extent ought not, in his opinion, to have taken place so soon. That was certainly the view of the subject to which he still adhered, although he bowed with deference to the decision of that House. Another substantial relief had also been afforded the country in the liquidation of a part of the public debt, of which, during the three years that he had already alluded to, no less a sum, taking the funded and the unfunded debt together, than from 25 to 30 millions had been paid off. This he

was prepared to affirm, and enabled to demonstrate, was a reduction of debt greater than had taken place in the whole of the period which had elapsed since the Revolution. He stated these facts merely to show how little foundation there was for alleging imbecility and want of system against his majesty's government in their financial administration.

With respect, then, to the proposed committee, he very much wished that gentlemen would go into that committee with unbiassed feelings, and with minds unfettered by any previously declared opinions, that they would decide impartially on such facts and evidence as might be disclosed. Such was certainly his intention should he be appointed a member of the committee, and he hoped others would entertain a similar disposition. The real question before the House was, "Is inquiry necessary?" It was now agreed on both sides that it was. He was perfectly ready to admit that that had not been the impression of his majesty's ministers on the first day of the session. It was then thought, by himself and his colleagues, that it would be expedient, without the institution of any inquiry, to propose a bill for a short extension of the restriction on cash payments. In making this avowal, he did not forget that an expectation had prevailed last year, that if the restriction were to be renewed in the present year, such a measure ought to be preceded by an inquiry; because the causes for a short continuance of the restriction were so notorious as, in his opinion, at the commencement of the session, to render any inquiry unnecessary. Among those causes were the amount and nature of the foreign loans, and more especially the protraction of the French loan, although to that circumstance the right hon. gentleman opposite professed to think no attention was due. The fact with respect to that loan was, that a great error had existed, even among those who were most deeply interested in the question, with regard to the amount of money that could be raised in France. Her resources having been in the first instance extremely over-rated, and proving insufficient when brought to the test, recourse was necessarily had to other countries, and especially to this, and hence a fall of the exchange, and a considerable export of bullion, took place. Upon a view of this state of things, which naturally produced a rate of exchange against us, likely to continue during the pressure of these operations, it was deemed expedient by his majesty's government to propose a short extension of the restriction on cash payments, and to postpone inquiry until next session, when it was hoped that the causes affecting the exchanges might have ceased to operate, and when, if inquiry became necessary, it might take place with more advantage than while the ordinary course of payments were so much disturbed. This opinion was adopted by himself and his colleagues, because it was thought advisable to continue the restriction until the temporary derangements which at present impeded commercial intercourse should be at end, and the different states of Europe should have returned to that orderly and steady course in which the operations of trade might be conducted with freedom and security. No one could be insensible of the effects produced on our commerce and exchanges, as well by the loan of France, as by the loans of Austria, Prussia, the Netherlands, and Russia, all of which were in operation at the same period. But the state of the American government was also to be taken into the account. That the bank of the United States was struggling, with very doubtful success, to effect its cash payments was well known; and in such a condition of the money market of America, as well as that of Europe, he and his colleagues had not thought it wise or safe to call on the Bank to resume its payments in cash, but had proposed (as he had stated on the first night of the session) to continue the restriction until the 1st of March 1820, without any previous inquiry. That was on the 21st of last month. But, on the following day, lord Liverpool and himself had received a communication from the Bank Directors, stating an opinion different from that which he and his noble friend had previously understood them to entertain; namely, that they wished for an inquiry, in preference to so short an extension of the restriction on cash payments—that as, in their opinion, it would not be expedient or practicable to resume cash payments on the 1st of March 1820, it would be more advisable that an inquiry should be instituted at once with regard to all the circumstances connected with the restriction. In consequence of this communication, he and his colleagues, without at all abandoning their own opinion, yet felt that an inquiry so demanded could not with propriety be refused.

The necessity of an inquiry being therefore acknowledged on all sides, the only question that remained was as to the manner in which that inquiry should be conducted. His objection to the right hon. gentleman's motion was, that it was so inartificially, he might almost say absurdly, worded, that it did not embrace the whole of the subject with regard to which inquiry ought to be instituted; for the right hon. gentleman's motion referred only to the effects produced on the exchange with foreign countries, and the state of the circulating medium, in consequence of the Bank restriction; whereas, there were many other topics connected with the resumption of cash payments, which it would be proper to examine, but which were not at all included in the right hon. gentleman's motion. He should, therefore, submit to the House an amendment, which he thought fully comprehensive, for it would call on the committee to consider every part of the question in all its bearings. A committee appointed upon the right hon. gentleman's motion might inquire fully into the rate of foreign exchanges as well as into the state of our circulating medium, and still leave wholly untouched many material points intimately connected with the subject under consideration. For instance, if it should happen—and he stated it merely as a supposition by way of illustration—that the Bank was not in possession of bullion to pay its notes, which circumstance would of course render the resumption of cash payments impracticable, a committee appointed according to the right hon. gentleman's proposition could not enter into that point. So singularly, indeed, was the right hon. gentleman's motion framed, that the Bank, though obviously the most prominent and important object of the whole inquiry, was studiously kept out of sight, and never even alluded to by name in the motion. Such a committee, therefore, could not afford the information necessary to enable the House to come to a full and fair decision on the question; for a committee could not report upon that which it was not called upon to inquire about or consider. The motion of the right hon. gentleman was thus defective, no doubt, through mere mistake (though a mistake difficult to account for, as his (the chancellor of the exchequer's) more distinct and comprehensive motion had been previously announced); but, seeing that inaccuracy, he trusted that the amendment which he intended to submit would be adopted in its stead, by all those who were advocates for full and complete inquiry; in which inquiry it was obviously necessary to examine, not only the rate of foreign exchanges and the state of the circulating medium—which were necessarily included in the terms of the amendment that he should have the honour to propose—but the condition of the Bank also, with every collateral topic that had any relation whatever to the subject. It was clear, however, that a committee appointed for these extensive and delicate purposes, ought to be secret. It must occur to every man that, in an investigation of the affairs of the Bank, circumstances might be disclosed which could not with justice and safety to that corporation, or without danger to the most important interests of the country, be brought before the public. A variety of circumstances might admit of easy explanation to those whose inquiries were conducted under an obligation of secrecy, that could not be developed to the public without the utmost hazard. The fullest information, on the other hand, might be safely communicated to a secret committee, who might report such information only as could be properly disclosed, together with such observations thereupon as might enable the House to come to a correct conclusion on the subject at issue. This committee ought, in his opinion, however contrary it might be to that of the right hon. gentleman, to be appointed by ballot, in conformity to the ancient and uniform practice, from which he had never heard any sound reason for departing, and such a committee, so constituted, would no doubt give the House the fullest information that could be made known to the public without inconvenience to the public service. He could not here avoid observing, how studiously and with how much constraint, as it were, the right hon. gentleman laboured to produce a difference of opinion in the House, in point of form, when in the substance of the proceeding all were agreed; for the right hon. gentleman had expressed his readiness to acquiesce in the appointment of a secret committee to investigate the state of the Bank, if an open one were appointed to inquire into the state of our currency and the rate of foreign exchanges. But if those two committees, as was very possible, should consist of the

same members, the difference between them would be merely nominal; and, if they consisted of different members, he believed, from the intimate connexion which subsisted among all these subjects, the object of their appointment would be frustrated; as the public committee could not be put in possession of the information laid before the secret committee. Why, then, appoint a committee which could not possess the knowledge necessary to the formation of a correct opinion; and which therefore would be but too likely to produce an erroneous judgment?

He thought it proper to observe that to whatever period it might be deemed advisable to postpone the resumption of cash payments, it was desirable to provide that it should take place while parliament was sitting; in order that if inconveniences should result from such resumption, a legislative remedy might be immediately applied to them; for should such inconveniences occur on the resumption of cash payments while parliament was not sitting, the calling of parliament to provide any necessary remedy would not only require time, which the exigency of the case could ill afford, but the suddenness of such a call must naturally augment the public alarm, and materially injure public credit.—Among the objects with regard to which the proposed committee would have to inquire were, first, Whether it is practicable for the Bank of England to resume its cash payments on the 5th of July next as now fixed by law? Secondly, What are the causes which have hitherto impeded the resumption of cash payments since the restoration of peace, and are likely to impede it in future? And thirdly, the cause of our exchanges with foreign countries, and the various causes affecting it, and particularly the nature of the foreign loans already alluded to, which, with the amount of capital invested by British subjects in foreign funds, would naturally be involved in that part of the inquiry. It would also be very material to consider whether, upon the resumption of cash payments by the Bank of England, any other paper was likely to circulate, so as to disappoint or interfere with the great object of that resumption. Some parts of the inquiry would be of a public, and others of a private nature; and he anxiously wished that the gentlemen composing the committee would go into the whole investigation entirely free from any previous impressions or opinions. He especially hoped that the right hon. gentleman would go into that committee with an unbiassed mind, that he would lay aside all party feeling and all predispositions of judgment; and that if he should find that the opinions which he at present entertained were founded on a partial or erroneous view of the subject, that he would relinquish them, and concur in any measure which had for its object the good of the country. He trusted, indeed, that the proposed inquiry would be so conducted, as to afford general satisfaction to the public mind, and produce real advantage to the public interest. For the reasons which he had already stated, and particularly because the motion of the right hon. gentleman, was not so full and comprehensive as the subject demanded, he could not abandon his original opinion for the purpose of adopting the right hon. gentleman's proposition. He could not abandon the course which on full discussion with his colleagues he had determined to pursue, for the sole motive of coinciding, contrary to his own judgment, with the right hon. gentleman who had not he thought that night set him the example of a very conciliatory spirit. He should, therefore, move, as an amendment, to leave out from the word "appointed," to the end of the question, in order to add these words, "to consider of the State of the Bank of England with reference to the expediency of the resumption of cash payments at the period fixed by law, and into such other matters as are connected therewith, and to report to the House such information relative thereto as may be disclosed without injury to the public interests, with their observations," instead thereof.

Sir *W. De Crespigny* said, that upon a question of such magnitude, involving such a variety of considerations which came home to the bosoms and business of every man in the country, it was impossible for any man not to feel a most lively interest. The fate of the country might, indeed, be well said to depend upon the issue of this question. It was, no doubt, absolutely necessary that such a country as ours should have a large extensive circulating medium, for the accommodation of the public; but then such medium should possess some settled value. This was not the case with Bank-notes, because they were not convertible into cash; and why they were not so convertible, was the

object of the proposed inquiry. The chancellor of the exchequer had declared that he was not an advocate for such inquiry, until impelled to it by others; and this was a declaration which every one who duly appreciated the importance of the subject must be extremely astonished to hear. For a long time the Bank Directors had been in the habit of throwing dust in the eyes of the legislature, but not gold-dust. Inquiry was now become absolutely necessary; and in order to render the inquiry effective, he thought it would best become the House to adopt the motion of the right hon. gentleman, with whom the resolution to inquire had originated. He would therefore vote for the original motion.

Mr. *Frankland Lewis* said, he had listened attentively to every thing that had fallen from the right hon. gentleman opposite, and he confessed he had not heard a single word to justify the course which it seemed to be the intention of government to take on the present occasion. It had been already fixed by law, that the Bank should resume its cash payments on the 5th of July next; but now it appeared, that, upon an application from the Bank, the government had discovered that the Bank were unable to resume cash payments at the stipulated time. Whatever effect the incomparable speech of the right hon. the mover of the original question had had on his mind, beyond all doubt the appalling speech of the chancellor of the exchequer had made it clear to a demonstration, that the present financial system was bad indeed. When he first entered into parliament, the events of war absorbed the public attention, and this subject was little considered; but it was now the most important topic that could occupy the mind of parliament and the public. Throughout the war it was held out that the restriction on cash payments by the Bank should cease with the cessation of the war. Yet now in the fourth year after that event, it was proposed to extend that restriction still farther. Upon the termination of the war, it was proposed to continue the restriction for two years, at the end of which it was solemnly promised that cash payments would be resumed. But when those two years had expired, it was again proposed to continue this restriction for another year, when it was positively to cease, the Bank being pledged to prepare for the event by the collection of bullion, &c. It was then settled that the resumption of cash payments should take place on the 5th of July next. Yet all these promises and pledges were broken. Let gentlemen call to mind the assurances held out in the course of the last session upon this subject. The language used upon that occasion could not be forgotten. It must be remembered that the directors of the Bank affected to feel themselves actually affronted by the supposition that they were not prepared to pay their notes in cash. They asserted, indeed, that they were fully prepared to make such payments, throwing all the *onus* of continuing the restriction upon his majesty's government. Yet how different was their language at the present moment; for, from the statement of the chancellor of the exchequer, it appeared that they were not likely to be, even in March 1820, in such a state of preparation. But he for one could not agree to afford the Bank the opportunity for preparation which they now required, seeing that they had made no use of the opportunities for preparation which had been granted them heretofore. For it appeared that they had made no effort to prepare for cash payments. They had made no attempt to limit their issues. On the contrary, indeed, those issues had been increased, and it was idle to attempt by any mysterious language to disguise the fact, that it was impossible to prepare for cash payments until such issues were reduced. The Bank had, indeed, made a most injudicious partial experiment for the resumption of cash payments, and in the absence of all rational effort on their part, he would address that body somewhat in the language of Hercules to the waggoner in the fable—"Show me that you are yourself willing to do your best, and when I see that you have done your best and failed, I will then, and then only, help."—But the Bank had in fact done nothing towards preparing for the payment of its notes in cash. On the contrary, it appeared, that after twenty-one years of expense and misfortune, during which the Bank had profited by the restriction of cash payments, it now showed an indisposition to resume those payments. Upon what ground, he would ask, was the will of this body to be indulged to the prejudice of the public? It would be recollected, that the restriction on cash payments was originally imposed upon public grounds. Such certainly

were the grounds assigned by Mr. Pitt, and stated in the report of the committee of 1797. Previous to the issue of the order in council restraining the Bank from issuing, it appeared that the directors had had a correspondence with the minister for about two years, the import of which was, that if called upon to issue bullion, and give so much credit for the service of government, the Bank could not go on—that, in fact, it must shut up its doors. It was under such circumstances, and in order to supply the public exigencies, that the restriction was originally imposed, and within the year after that restriction, the advance of the Bank to government was equal to ten millions. But what was the public exigency which now called for a restriction upon cash payments? Did the government now require any advances for the public service, or upon what public grounds could the farther continuance of this mischievous restriction be justified? The chancellor of the exchequer had no doubt alleged that the continuance of the restriction was called for upon public grounds, but those grounds had not been stated. According to his apprehension, this restriction was principally required as desirable for the accommodation of those who traded, not upon their capital, and who were aided in their speculations by issues from the Bank; but for the sake of these rash improvident speculators themselves, in order to save them from ultimate ruin, he would call for the repeal of that restriction. If the Bank would issue its notes, or grant its accommodations to those only who really had capital, they might soon reduce their issues; there would be no necessity for extending this restriction, and we might return to the sound old English system of currency. Here the hon. gentleman remarked upon the gold so improvidently issued by the Bank some time ago, the greater part of which had already disappeared; and upon the ministers' proposition now to inquire into the circumstances and internal concerns of the Bank, after all that was said last session by those very ministers about the extreme indelicacy of instituting any such inquiry. With respect to the statement of the chancellor of the exchequer, that thirty millions of the public debt had been paid off within the last three years, he was quite astonished at the allegation. He could not, indeed, comprehend how such a thing could be made out; for the committee of the last session upon the subject of the public income and expenditure, could not make out any surplus whatever, but that of three millions which remained unexpended out of the loan raised for the purposes of the war of one hundred days. For himself and his colleagues he could aver, that those three millions formed the only sum which they could find applicable to the reduction of the public debt. Where the chancellor of the exchequer could find the remainder of the large sum he had stated, it was for him to show.

Lord *Castlereagh* felt that the discussion was comprehended within so narrow a compass (and on that point he had to express his obligations to the right hon. mover, and to the hon. gentleman who last spoke) as to render it unnecessary to make any thing like a speech, or to branch at large into the great principles involved in a more general inquiry. Though the grounds of difference as to the object of the motion between the right hon. gentleman and his right hon. friend, the Chancellor of the Exchequer, were few, yet he should support the proposition of the latter, because his motion was more precise, and went more directly to its purpose. They were all agreed, not only as to the necessity of inquiry, but to an inquiry of the utmost latitude, on a subject which he confessed to be of great and immense importance. Great stress had been laid by the right hon. gentleman on the fact of the Chancellor of the Exchequer having, when first the question was brought before the House that session, avowed that no inquiry was in his judgment necessary. If that was a source of triumph, he would give the right hon. gentleman a more extended ground for gratification, ready as he (lord C.) was to declare, that he also joined in that opinion, believing, as he did, under the circumstances, that an inquiry at this moment was neither necessary nor expedient; that for every purpose whence advantage from such a course could be derived, it would have been more expedient to have waited until the next session of parliament. If, indeed, he viewed the question in the same light as the right hon. gentleman, if he thought that without risking the truest interests of the country, the Bank should resume its cash payments in March twelve-month, there could be no reason either for inquiry now, or at a future period. But thinking differently on that point, he felt that from

the notoriety of circumstances essentially affecting the question, the House, or rather the new parliament, might act on the consistency of those principles by which parliament was influenced in the last session, and defer the examination until a more favourable moment, when the course of events should bring about that era at which the legitimate standard of value might be restored without putting to hazard the safety and industry of the country. But while this was his original opinion, the communication made to the executive government by the Bank, must of necessity have changed its application, and have rendered that examination desirable which before he thought inexpedient. The conduct of the Bank (and of that conduct he could not speak but with the highest respect) altered the character of the proceeding, and made it the imperative and bounden duty of his majesty's government to adopt the course which his right hon. friend the chancellor of the exchequer now proposed. But he wished no false impression of the nature of that communication should either fix itself on the minds of gentlemen in that House, or be circulated in the country. The Bank did not state that they were not both able and ready to resume their payments in cash. Their language was widely different. "We are ready," said they, "to do so, provided we are suffered to conduct our business singly with reference to our interests as bankers; but in doing so, we must of necessity be compelled to throw into oblivion all the interests of the country, and to turn a deaf ear to the wants of the public." And here he must be allowed to advert to what had fallen relative to the pledges of the Bank in the last session, from an hon. gentleman who spoke last, a gentleman to every observation of whom he was most disposed to listen with feelings of respect and pleasure. "It was thus," said he, "the Bank were ready to fulfil their declarations of being ready to resume their payments. In this manner have the assurances of the chancellor of the exchequer been realized," as if the expectations or pledges given under other circumstances, were obligatory in a case of such important consideration, or that a regard to consistency alone should influence the views of public duty, and bind the judgment of parliament. In place of resting the question on the consistency of his right hon. friend, the chancellor of the exchequer (and he was disposed to give him the fullest credit for a due regard to such motives) the question with him and with the House must be—What did the public interest, what did the national solidity, what the integrity of the country require, in deliberating on so momentous an issue? It was most important, then, that no unjust interpretations should be put on the conduct of the Bank—that no delusion should go forth to the public as to the character of their communication, which, as he before stated, amounted to this, that the Bank were ready to open with their cash payments, but that as bankers they must take care of the interests entrusted to their charge; leaving it to the government and to parliament to take care, that by such a charge the public interest and safety was not endangered. Such being the nature of the Bank's communication, it was most important, in their view, that the fullest inquiry should be adopted, that on such a subject the information due to public opinion should be neither withheld, or in any degree straitened. For inquiry, then, of the most comprehensive kind, all were anxious, but in the mode of obtaining it, a difference existed. The right hon. gentleman on that head had proposed the appointment of two committees. At such a proposition he should have been astonished, had it proceeded from a gentleman who had never been in parliament before—proceeding from whence it did, it was wholly unaccountable. The two questions were so identified, that he defied the Committee, which should have to examine into the affairs of the Bank, and which the right hon. gentleman was willing to have a secret one, to make any satisfactory report, or to arrive at any satisfactory conclusion, without being in possession of all the information, which it would be the object of the other committee to obtain. Then, on what grounds disjoin their labours by such a division. [Here Mr. Tierney nodded his assent to one committee]? Well, then, there existed now an additional ground of agreement, as the right hon. gentleman was willing to concede his proposition for two committees, and to accept one.—But next came the question of the secrecy of that committee. In observing on this point he should not indulge in any of that bitterness of feeling, which he regretted to perceive had that night operated on the temper of the right hon. gentleman. He

should avoid the course, and rather fashion himself on the example of that general good humour which was characteristic of the right hon. gentleman in his discussions in that House. What, he would ask, could be the object of secrecy, but to prevent any partial statements finding their way to the country before the whole question was fully and deliberately examined? The House of Commons by an act of authority, were about to do that which, in the case of any private merchant, would be considered a great hardship—they were proceeding to force an investigation into the entire concerns of a public body—an investigation that could only be justified by the conviction that the public interest and safety required it. Was it not but justice to the Bank, that the House should protect them from the effects of any improper impressions which the publicity of partial statements might produce? It was impossible to refuse it—the proceeding was recommended both by principle and the precedents of parliament. Then, the committee being secret, the next question was in what manner was it to be appointed. Was it to be the appointment of the right hon. gentleman, or of his right hon. friend the chancellor of the exchequer, or was it to be appointed by the ordinary mode in which secret committees were chosen? [Hear, hear! from the Opposition]. The hon. gentlemen opposite were loud on their old topic, —the election by ballot was their main resource—when they were forced to that retreat, they had not a leg to stand on—their last defensive position was the old question of ballot [Hear! hear!] Those members of the last parliament would recollect the use then made of that objection. For his part he was determined not to argue it again. If, however, the right hon. gentleman wished to have his recollection renewed, he would refer him to the speech* made by an hon. friend, not a very constant supporter of ministers, and of course in the opinion of the right hon. gentleman, an independent man [a laugh], but undoubtedly he could not so soon forget the rebuke that on that point he received from that hon. gentleman, the member for Bramber (Mr. Wilberforce). If that, however, was not sufficient to convince, he would beg of him to review the speech of another hon. member (Mr. Bankes), who as far back as the year 1797, successfully exposed the calumnious insinuations which such an objection implied.* In fact, he never hoped to get a committee of that House appointed, without a difference of opinion as to mode. When, however, the committee was constituted; and, should the right hon. gentleman and himself be members, he was confident, as had often happened to him on other committees with gentlemen with whom he differed, they would both come out of it with a better opinion of the committee and of each other. What he was much more afraid of than any difference between them, save the legitimate difference on grounds of free discussion, was, the not meeting with the right hon. gentleman in his place in the committee. He owed it, as a mark of respect to the character of the last parliament, to say, that there never was a committee, in the reports of which the great majority of members on those committees, who differed generally with his majesty's ministers, did not concur in their reports. He challenged, indeed, one ground of reproach against the result of their labours. If, then, the right hon. gentleman, should be a member of the present committee, he sincerely trusted that the impediment, which prevented, in the last session, his attendance, would not again occur. He calculated favourably for his presence, as he was happy to see him look so well. At the same time he trusted, that though he might present himself once or twice at the meeting of the committee, he would not, as on the former committee, turn tail [a laugh], because his views of a principle at setting out were not acceded to. Should they, however, meet there, he pledged himself to join issue with him most sincerely and cordially in discussing with the most unbiassed and enlightened views of which he was capable, a question of the most momentous concern—a question on which, he conscientiously believed, depended, not alone the social existence of this country, but of the civilized world. To speak of it as a question alone applicable to the affairs of the Bank, was a sacrifice of its high importance. Important as such a consideration was, yet when compared with the mighty interests that depended on it, it was but as a fly upon the wheel. In their deliberations were involved the peace and happiness and industry of the empire. Whether

* See vol. 37, p. 202.

* Parl. Hist. vol. 32, p. 1561.

the tranquillity Europe enjoyed, should be preserved, depending, as it did, on the arrangements which followed, or be again replunged into those convulsions from which it had so providentially recovered [Hear, hear!]. He was ready also to join issue with the right hon. gentleman in deprecating any thing like a system of paper currency, to be upheld without necessity, and which might truly be designated a forced circulation; but what he charged the right hon. gentleman with, was, that he confounded that restriction on the legitimate element of commerce, which the necessities of the country rendered necessary, and which the events of the times had justified, with those forced systems of paper in other countries, which arose from different principles, and which could plead no such justification. The right hon. gentleman asserted, that this was the only country in Europe where such a currency was in circulation. In France the public bank made its issues of paper. Nothing, indeed, could be more fatal to the interests of a great country, than the fact of the whole of its property, more or less, being incapable of being represented by nothing but metallic money, more or less. He was ready to accede to the right hon. gentleman, that as long as the restriction continued, our circulation was deranged; but what he apprehended most strongly was, that consequences more to be deprecated would follow, if any attempt, under untoward circumstances, were made to force a metallic one. Such an attempt was too likely to destroy the principles of reproduction. In doing so, we should do the greatest injury to the poor man—to that class of men who, from their wants, became the superior objects of legislative concern. It was worse than idle to hold out the hope of the low prices that would follow, unless at the same time a remunerating price was secured to all the other classes of the community who kept the labouring men in employment [Hear, hear!]. Any measure that would deprive the employers of that remuneration, must in a short time destroy the hope of low prices to the poor. The advantage would be temporary—distress and misery must follow, and the result would be a delusion on the country. When, however, it could be fairly shown from the state of the exchanges with foreign countries, that the Bank might open its vaults, even at the risk of a reasonable sacrifice, no fear of any temporary pressure should induce him to forego the advantage that should ever be kept in view, of again restoring that legitimate standard of value, a metallic circulation, provided no greater danger to the security and credit of the country was not involved in the result.—And here he thought the House must weigh the absolute necessity of sustaining the national credit. Surely the right hon. gentleman could not be insensible to the calamitous consequences of any measure calculated to incapacitate the country from sustaining the burthens which the national faith had imposed. The hon. member who preceded him condemned the Bank for the gradual resumption of payments in cash. It was, however, to be recollected, that whatever alteration had since occurred, the exchanges with foreign nations were at that time favourable to this country. And he could not but consider such issue as wise, as it went to fill at first the domestic circulation. But what would have been the effect, had they continued when the rate of exchange altered, and a difference of price, to the amount of 7 per cent existed between the bullion and mint price of gold? Such an effect revolved itself into a commercial question. Not a yard of cloth would have found its way to the continent, from the factories of Yorkshire or of Manchester, so long as the dealers in bullion could force the Bank to pay their notes in cash. It would have converted the Bank, in place of being the dépôt for the supply of the internal circulation of the country, into a shop for the brokers in bullion to supply themselves with the metallic means of carrying on their negotiations with the various parts of the continent [Hear!]—The right hon. gentleman had spoken of the corporation of the Bank as actuated alone by their own interests; in no such opinion should he ever acquiesce. He felt the value of the service which, in the most critical periods, they had rendered the country. Without their aid we should have in vain looked forward to the triumph of those exertions which we were enabled to conclude with such glory—without their aid, indeed, we might have expected to realize all those failures which, in the moment of operation, the right hon. gentleman was so unremitting in predicting. But why endeavour to throw this odium on the Bank? Even if they were gainers, were they not so with other bankers, and only in a degree pro-

portioned to their capital?—But, reverting to the main question, it had, from the progress of public events, even since the discussion of the last session, assumed new features. All the grounds on which its propriety rested then continued, and had an increased effect. The very extending of the periods for the payment of the instalments in which the loans had originated, proved the difficulties of resuming cash payments to be greater—it showed, that all the foreign markets were exhausted, and that it would require a longer period to bring them to bear. But there were also at the present moment other causes leading to the same tendency in operation. The governments of the continent, sensibly alive to the evils of what might be truly called a forced paper circulation, had been awakened to a double feeling of anxiety to correct them. There were few of them that were not employed in executing the problem of obtaining a metallic circulation. In trying to execute it they were proceeding on wide and, in his judgment, impracticable theories, to acquire it by forced means, and thus they operated unnaturally and violently on the money markets of Europe. If the Bank were to open under an exposure to such an influence, strong as he knew it to be in its means, it must still feel powerfully the inconvenience of such a pressure. A loan of three millions only in Russia was powerfully felt in the money markets of France; and though great the distance of St. Petersburgh from Paris, yet from that cause the Bank of the latter was nearly suspended in its business, and rendered almost incapable of fulfilling its engagements. It was not, therefore, the extraordinary loans in operation, but the experiments going on with different governments that tended to convulse the money markets of Europe, and rendered the resumption by the Bank of England at the moment almost impracticable. Parliament recollected the first necessity for the restriction in 1797. That such a necessity ever existed they had never ceased to lament, even when experiencing the mighty means it afforded in the vicissitudes of the war. But, great as were the difficulties, and over-ruling as was the necessity, let not the House fancy that they terminated with the war, or that there were not difficulties of a peculiar nature applicable to the return of peace, though from their character such difficulties were in their nature transient. The effect of a war was, to hoard in this country a great accumulation of capital—and in the countries of the continent to produce a correspondent exhaustion. This country was not, however, so ungenerous as not to accommodate the continental nations again with loans. When the House recollected, that the interest of money had become doubled, it would see the effect which had been produced by the removal of that great capital which British subjects had carried along with them into foreign countries. For his own part, though he believed that one method of creating credit was to be found in the opening of the Bank, still he must maintain, that it would require a proportional time to enable them to establish cash payments. What he had principally to complain of was, that the right hon. gentleman who opened the debate, was teaching the people to believe, that the time was already arrived for commencing that resumption. He protested that he himself was of a very different opinion, and that his opinion arose from a thorough conviction, that no feeling of private interest could induce the Bank to neglect their general duty to themselves and the country. He was certain, that they believed in their consciences that they could perform their duty, even though they resumed cash payments under unfavourable exchanges. And yet no person would contend, that under such circumstances it would be proper for them to do so. For these reasons, as well as for those which he had previously mentioned, he must oppose the motion of the right hon. gentleman. He might be wrong in making that opposition; but if a committee were appointed, and if the right hon. gentleman and himself were selected to be of that committee, he should enter upon the duties and deliberations attending it, with an anxious desire of receiving every possible information regarding the subjects to which its attention was to be turned. He was not obstinately attached to his own opinion; far from it: he would change it, and would avow that change, not with shame, but with an honest and manly pride, if reasons were produced which should render such a change necessary. The right hon. gentleman had called upon the new members in the present parliament to recollect the duty which they owed to their country, and had advised them not to "blood themselves" in the service of administration.

He trusted that they would have the good sense not to mind this exhortation of the right hon. gentleman; he trusted that they were so far made of the same British materials with the last parliament as to support the measures which they had adopted; he trusted that the ridicule and opprobrium which had been so lavishly used that evening would only produce the same effect upon them as it had produced upon their predecessors: for he thought that he need not tell them, that the system on which the right hon. gentleman had acted during the evening was not a new kind of tactics, but one to which he had been accustomed. Under these circumstances, he did not think it requisite for him to intrude any longer on the notice of the House, except it were to say, that he looked forward with confidence to the result of a division, if the right hon. gentleman opposite thought fit to press for a division that night.

Mr. *R. B. Cooper* said, that as every man ought to vote according to his sense of right who claimed to be independent, he should briefly state his opinion on the present important question. As a new member of the House, he could not help expressing his surprise, that the first point selected for a division should be a point on which they were all agreed. They were all agreed, that the Bank ought to pay in specie, whenever that payment could be made with security; they were all agreed that a previous inquiry was necessary before such a payment was commenced; and the point on which they differed appeared to be nothing more than a simple point of etiquette: that point, stripped of all extraneous matter, reduced itself to this—whether the motion now under discussion had originated with the right hon. gentleman opposite or with his majesty's chancellor of the exchequer. Now it had been confessed, that the present motion was only a prelude to an inquiry into the state of public credit; and if it were so, then it was a motion originating with his majesty's ministers, though it might indeed have been amplified and enlarged by the right hon. gentleman. If he were called upon to vote on this question, he should vote for the amendment of the chancellor of the exchequer; because he conceived it to be more precise, distinct, and comprehensive than the original motion.

Mr. *Maberly* said, that he rose for the purpose of offering his opinion on this most important question, in consequence of having given a silent vote in favour of the hon. mover's motion for inquiry in the last parliament. He said, that the reasons offered by ministers for continuing the restriction last year were, the bad harvest of 1816, the loans made by many of the foreign powers, the occupation of France by the allied armies, and some others, all of which had now ceased to exist. Our army was at home, our harvest had been good, and our revenue had increased: and we were told by the honourable member who moved the address, that the country was in a most flourishing condition, and he, for one, was happy that it was so. Then, what were the reasons that prevented our return to cash payments, when the Bank stated itself to be ready to pay, and when neither our internal nor external affairs operated against it? Why, he would explain to the House: it was the unfunded debt that prevented the return to metallic currency; and he ventured to assert, that unless this was disposed of, the Bank would never return to cash payments, as he presumed the Bank held from 25 to 30,000,000*l.* of this unfunded debt in exchequer bills; consequently, before it could return to cash payments, the government must discharge so much of this debt, which would occasion a gradual reduction of Bank-notes. The unfunded debt in exchequer bills was now 44,000,000*l.* together; 13,000,000*l.* for the service of the year, and 3,000,000*l.* deficient in the consolidated fund; making the total debt now unfunded 60,000,000*l.* It appeared to him that great part of this should have been funded last year, before the foreign powers made their loans and took away our capital; but he had no doubt the right hon. the chancellor of the exchequer pursued that course which he thought best for the country, and he was certain no man's private or public character stood higher for integrity than the right hon. gentleman's: yet he (Mr. Maberly) differed materially with him on finance; and he thought some great financial arrangements should be made to meet the present annual defalcation, particularly as the return to cash payments must materially decrease the price of every article, and in consequence, the revenue, which did not at present meet the expenditure by 13,000,000*l.* Consequently, if we continued not to fund this year, our unfunded debt next would

be 70,000,000*l.* Could we go on so? Would it not be better to provide an income equal to our expenditure by revising our whole system of taxation? The committee of finance, which he thought deserved well of its country, had pointed out that the gross sum expended in collecting the revenue and in bounties and drawbacks amounted to 11,000,000*l.*; and he thought 2,000,000*l.* of this might be saved by a careful revision and examination of the whole subject; and he thought there could be no objection to this, after the necessity that had compelled us to reduce the gallant army and artillery that had saved the country, as well as our brave navy. He thought we might add to the revenue 4,000,000*l.*, by substituting a property tax for the odious and oppressive assessed taxes, the House and window taxes, which produced together about 6,000,000*l.*; whereas a property tax would produce at 10 per cent 10,000,000*l.* With these and 4,000,000*l.* from the sinking fund, an increased revenue would be found of 10,000,000*l.*, with a clear sinking fund of 10,000,000*l.* in addition. This would be a firm base for the country to rest on, and property of all sorts would revive after such arrangements. He deprecated an income tax as inquisitorial and objectionable in the extreme; and in proposing a tax on property, he only meant that it should apply to real property (and not to trade or professions), by which only the affluent, the miser, and the absentee would be taxed, and the industrious classes of the community, who laboured hard for subsistence, and who were now almost borne down by the weight of the assessed, window, and house taxes, would be relieved by their repeal, which would give them new life, energy, and vigour, instead of their affections being alienated from the government by the constant visits of the informer and collector, from whose charges and surcharges they could only appeal to an arbitrary tribunal. He had no doubt of the Bank being prepared to meet cash payments, but it would require a much larger sum in specie to return from this extraordinary state, which one and twenty years had produced, than to have gone on with cash payments; and he, therefore, recommended in the proportion of three to two, as the government repaid the Bank, that the Bank should be obliged to purchase gold for the period of the restriction; by which operation, the currency would not be limited too suddenly, and that as the Bank had made so many millions by the restriction, he trusted that it would, with its usual liberality, disburse part of those profits in procuring gold sufficient for the currency against the period when the restriction should be taken off. That, as to the state of the exchanges, he did not agree with the noble lord; and thought that, whenever the Bank returned to cash payments, the exchanges would regulate themselves in time of peace. When the exchange was against us, if the Bank was paying in specie, we could export gold, if we were the debtor country, to the creditor country, and stop the rate of the exchange against us; as gold arriving in quantity would reduce its own value, and would in return be exported to pay necessary debts—provided the state of circumstances was not very extraordinary, and the balance of trade was not against us. This was no new principle in exchange; and whenever we paid in specie, the exchange, if left to itself, would set itself right. He apprehended the unfunded debt must be got rid of before the Bank could pay in cash, and that this was the great and substantial objection to the immediate resumption of cash payments.

Mr. *Bernal* said, that as a new member he had no claim on the attention of the House, but that which the possession of a little stock of common sense, and he hoped a larger stock of honesty and independence, might give him. He could assure the House he had no bias on the subject. He had listened to every syllable uttered by the right hon. gentleman who moved the original proposition, and he had paid equal attention to all that had fallen from the right hon. the chancellor of the exchequer and the noble secretary of state. He assured the House, that if the impression which had been made upon his mind by the luminous exposition of the right hon. member for Knaresborough, had been in the smallest degree removed by the speeches of the right hon. gentleman and the noble lord opposite, he would freely confess it. But the reverse was the case. The noble lord cautioned the House against taking a false step. A false step, however, it would in his opinion, take, if it did not adopt the original motion. The noble lord had also talked of the legitimate elements of commerce. Now, he

knew of no legitimate element of commerce more indispensable than probity; he knew of no true substratum on which commercial probity could be founded, but a real, a metallic currency, which ought not to be put aside for a fictitious, a valueless substitute. He appealed to the House, whether it was possible to make a more candid proposition than the one originally made. It was a proposition against which no substantial arguments had been or could be adduced. It could be opposed only by a set of men —pseudo-merchants he would call them —who, usurping the old and legitimate character of English merchants, clung, like the creeping ivy round the oak of British greatness, sapping its juices, preying on its vitals, and hastening its destruction. That the committee for the investigation of this most interesting and important subject should be appointed by ballot, was a proposition which, sitting there as representatives of the nation, he conceived it was the duty of the unbiassed part of that House to oppose; and he trusted that those who were new members would take that opportunity of giving a decisive proof of their independence, by showing that they were not to be deceived by the mere shadow of an inquiry, which ought to be of the most substantial character.

Mr. *Canning*, although he thought that all the general argument on the great question connected with the present motion might be advantageously postponed, until the report of the committee about to be appointed, should give a more favourable opportunity of treating it, and although, with that impression on his mind, it was his intention to trespass but for a very short time on the House, was persuaded they would feel, after the appeal, civil in the highest degree, which the right hon. gentleman had made to his opinion in particular, that he should not deal fairly, either by himself, or by the House, if he did not shortly state the grounds on which he should give his vote on the present motion. The question at issue was, not whether the restriction on cash payments should be continued for reasons of common notoriety, or such as any honourable member might collect by his own research, for his own information; or, whether that restriction should be continued without any inquiry at all—but, all parties allowing some inquiry to be expedient, the question of this evening was no more than how the inquiry should be conducted, and in what manner the committee by which it was to be pursued should be chosen.—He admitted the accuracy of the right hon. gentleman's observation, that the further continuance of the restriction was a measure of which no intimation had been given last year; and he fully concurred in the propriety of going now into the inquiry, not with a view of ascertaining whether any necessity for the measure existed at the present moment (for of that no man he believed had a doubt), but with the view of ascertaining whether the state of the Bank, and the operation of the existing causes of the continuance of the restriction to the period now fixed by law, did or did not render it necessary to extend that continuance, for a longer period.

The subject had been so frequently discussed in that House, that it was impossible for any man, however imperfectly he might have considered it, not to be conscious of the opinions which he would take into the committee, and of the result to which he should most anxiously look. For himself, from the moment when he first turned his attention to the subject, he had entertained but one opinion, and one wish with respect to it. He had always considered the Bank restriction as a great departure from the essential principles of our monetary system—a departure justified only by necessity; and he had always looked forward with an anxiety which, although frequently disappointed, was never abated, to the period when things might safely revert to their sound and natural course.—He could assure the right hon. gentleman, both in his own name and in that of his friends near him, that not only when they proposed the continuance of the restriction in the last session, they sincerely believed they were proposing it for the last time, but that up to September, October, nay, he believed he might say to November last, but certainly to October, they had continued to entertain a confident expectation that there would be no necessity for renewing the proposition. He did not however hesitate to say, that since that period a state of things had arisen which had impressed on the minds of his majesty's ministers an honest and conscientious, but unwilling conviction, that it was their duty to propose the restriction again in the present session, although for a limited time—limited expressly with

the view of showing, that it was their sincere persuasion and belief, that the term of that restriction might then be permitted to expire. With this double conviction on their minds—first, that it was impossible for the Bank to resume their cash payments at the period now prescribed by law, and secondly, that the winding up of all those circumstances which rendered the extension of the restriction necessary, would be completed even by so early a period as the beginning of the year 1820; he would not hesitate to avow, that it was their original intention to propose to parliament that short continuance of the restriction without any inquiry. To put the House in possession of a complete detail of all the circumstances which brought the question to its present aspect, he must here state, that which his right hon. friend, and his noble friend who preceded him in the debate, had omitted; namely, that, having in the first instance (as he had already observed) resolved to propose the extension of the restriction, without inquiry, to the 1st of January, 1820, his majesty's ministers were subsequently induced to alter that day to the 1st of March, in order that parliament might be sitting at the time of the opening of the Bank, the determination being at the same time taken, that if, most unfortunately, their expectations should then again be disappointed, and they should again find imposed upon them the unpleasant duty of proposing the further continuance of the restriction, they would not make that proposition without themselves originating the fullest parliamentary inquiry. In that disposition the session of parliament was opened. On the very first night, the right hon. gentleman opposite gave a notice which was evidently meant to anticipate any intention on the part of his right hon. friend to bring the subject before the House. That occurrence alone suggested no motive to his majesty's government for changing the course which they had resolved to pursue; but on the succeeding day, a necessity for such a change was suggested by the communication from the Bank to which his noble and his right hon. friend had adverted. A number of gentlemen constituting the governing committee of the directors of the Bank, waited on his right hon. friend, and informed him, that it would in their opinion be a delusion, to imagine that cash payments could be resumed at the period intended to be proposed—namely, the 1st March 1820; that to state the present cause of the continuance of the restriction as only of such a temporary nature, would be to mislead those whose opinions might be formed on the statement, and they, without any unwillingness on their own part to resume their cash payments, provided the legislature should think fit, nevertheless preferred submitting to the consequences, whatever they might be, of a parliamentary inquiry, to the being parties to a measure which could only raise expectations which must infallibly be disappointed.—Before it was assumed—as it had been on the other side of the House—that government had altered their intention from unworthy subserviency to any body of men, it ought to be considered in what a new situation the communication in question placed them, changing as it did the very elements on which their judgment had been formed. They had originally determined to extend the restriction to a short time beyond the period now prescribed, by the act of parliament of last session, on the conviction that sufficient reasons existed to render the resumption at that period unsafe. Those reasons were in their minds so evident, and so generally acknowledged, that no inquiry into them would have been considered necessary. And the shortness of the new postponement which it was intended to propose would, they flattered themselves, have been accepted as a security, for the sincerity with which the intention and the expectation of then terminating the restriction were entertained. But here came an offer on the part of the Bank to show by evidence, that the return to cash payments at the time intended to be proposed would be as unsafe as at the time at present prescribed. That this communication should have been made by the Bank precisely at the moment when it was made, on the day subsequent to the meeting of parliament, and after the government had disclosed the course which it was in contemplation to pursue;—that it should not have been made twenty-four hours sooner—by which such disclosure would have been prevented;—that it should not have been made at any of the many interviews between the Treasury and the Bank at which the term to be fixed for the renewed restriction was debated, discussed, and finally settled—are circumstances for which he neither could

pretend, nor was bound, to account. He stated the fact as it had occurred, and he stated it in the presence of those who would contradict him if he stated it incorrectly.

What, then, had his majesty's government to do upon this extraordinary and unexpected communication? What else but what they did? To accept the suggestion of the Bank, and propose a committee to inquire into the matters upon which the opinion of the Bank was founded. Was there any thing in that which could be attributed to want of principal, or to subserviency to other men's will? In all former debates on the subject within his memory, it had been constantly, and even studiously and emulously admitted on all sides, that the Bank were perfectly able and willing to pay in cash, and that their only desire was, to be passive in the hands of parliament, submitting to whatever regulations might, on public grounds, be deemed expedient. But the communication, now for the first time made by the Bank, and their plain and unqualified declaration, that to describe the causes which rendered the resumption of cash payments an unsafe measure as only temporary would be to propagate a delusion throughout the country;—these unforeseen and unexpected circumstances placed the question on an entirely new ground. The right hon. gentleman had taunted his right hon. friend, the chancellor of the exchequer, for what he was pleased to call his facile and flexible concession to the Bank. But how would the right hon. gentleman have taunted his majesty's government, if they had neglected this notice on the part of the Bank;—if, possessed of the information which the Bank communicated to them, they had nevertheless persevered in their intention of only proposing the continuance of the restriction for a short period, and that without any parliamentary inquiry? Would he not in that case have accused them, and with much greater show of reason, of proceeding to legislate in the dark, and on grounds of which they themselves well knew the fallaciousness? Would he not have asked them if such a communication had not been made to them, and would he not have urged it against them as a reproach that when now, for the first time these twenty years, the Bank had voluntarily come forward to solicit inquiry, their solicitation had been repulsed? Was it not clear that his majesty's ministers would have acted unfairly to themselves, to the Bank, to the House, and to the public, if they had done otherwise than they were doing,—if they had persisted in proposing the continuance of the restriction for a limited period only, while they had in their pockets a document which warned them, that the return to cash payment could not with safety be made at the expiration of that period? Under those circumstances, therefore, there was but one clear course for government to pursue, one only by which they could meet and refute all the right hon. gentleman's taunts of tergiversation; namely, to state the facts which had occurred to derange the elements of their previous decision, and which therefore justified the change in their proposition to parliament.

In thus stating the reasons which had induced government to adopt the course they were pursuing, he had in effect anticipated the question as to the propriety of the committee to be appointed being a committee of secrecy. The committee was to inquire into the private affairs of the Bank, and it would obviously be to violate a private right were those affairs to be exposed to the public. But then came the usual reprobation of a committee chosen by ballot, accompanied by all the trite, common-place, worn-out arguments against such a committee, which, although they had wearied the old parliament, it seemed to be thought might be tried with success on the new. In what did a committee chosen by ballot differ from one nominated in the House? In one essential point it was better; for, in proposing a committee by name, the House could only judge, consecutively and individually of each member as he was proposed; while in appointing a committee by ballot they were enabled to judge, not only of the fitness of each individual member for a share in the task proposed to be allotted to the committee, but of their fitness with relation to one another as a whole. It could not be denied, that the efficiency of a committee depended in no slight degree on the association of individuals who, however differently some of them might view the same question, were best capable, from their skill and experience in the subject of the inquiry, to place every topic which related to it in the clearest point of view, to counteract each other's prejudices, and correct each other's judgments. "Aye," said the opponents of the

ballot, "but then there is influence." He (Mr. C.) had always understood that ballots were originally resorted to for the very purpose of destroying influence. He certainly knew of places where ballots were resorted to for that express purpose, and where, if such a mode of appointment were relinquished, there would be no end to the just complaints of influence of the most direct and operative kind. He would grant to the right hon. gentleman that on this subject no secrets ought to be kept from the new members. It was probable—highly probable—that each of the new members would find upon his table to-morrow morning—coming there no doubt by some invisible hand, a list of a proposed committee, some of them from one side of the House, some from the other—some perhaps more fortunate from both: such at least was the practice in his (Mr. C.'s) younger days; at which time, as regularly as one list came from ministers, another proceeded from the opposition, and those two lists were handed about the House, each exhibiting a wonderful correspondence in the names of which it was composed. If such a practice were to be adopted in the present instance, he should be glad to know how it would prejudice a fair appointment of the committee? The young and inexperienced member, for whom the right hon. gentleman expressed so much concern, might examine those lists by himself, in the solitude of his closet, or he might call in the assistance of some other new member, as young and tender as himself; they might then, upon comparison of qualities and balance of endowments, erase, change, substitute at their pleasure,—strike out such names as might be obnoxious to them, and put their corrected lists into the glasses with the consciousness of having judged for the best, and with the satisfaction of knowing that no human eye had supervised the process, or could detect the result of their deliberations. So far the right hon. gentleman and himself concurred in enlightening the young members. But he (Mr. C.) thought it fair to go farther. He would tell these young gentlemen, that they were not aware of all the amusement which it was probable they would derive from the appointment of a committee by ballot. He was afraid, indeed, that he might by this anticipation, deprive them of the pleasure of surprise, and thereby weaken the effect of the exhibition. But upon the whole it was better to be quite open with them, and so he would tell them all. They must know, then, that to-morrow they might expect a scene the most amusing and comical that they could imagine. The joke was an old joke to be sure; but though an old joke, still it might be new to new members, for some hon. gentleman on the other side of the House who had got hold of one of the proposed lists of this (the ministerial) side, gravely to propound a question to the Speaker, whether or not it was allowable to offer a wager in the House, and on being answered in the negative, to declare that he was only prevented by the decision of the chair on the impropriety of such a proceeding, from laying a wager that he would read the names of the committee upon whom the choice of the House would follow. It was then the usage for such an hon. member solemnly to read his list, and in the coincidence between that list and the list subsequently returned by the scrutineers, lay the whole humour of the proceeding. This coincidence never failed to convulse the oldest House of Commons with laughter. The office of producing the list had generally fallen to some honourable member on the second bench of the other side of the House, whose countenance was of the gravest cast, every thing depending on the seriousness with which the wager was propounded. Who would on the present occasion undertake the task of getting up and displaying his skill in guessing, he knew not. He should be sorry if what he had said should have the effect of preventing the joke, from which he trusted the young members would not receive less amusement and instruction than their predecessors had always received.

Now, for himself, he could not pretend to the gift of anticipation to be possessed to-morrow by the hon. gentlemen opposite; yet he might, without trenching on their province or prerogative, say, if not exactly of whom, yet of what materials such a committee as that proposed ought, in his opinion, to consist. He thought it ought to be formed in such a manner as to give general satisfaction to the House, and to the country; and that satisfaction it could not give if it did not comprise, without any distinction of political party, he would not say every man, because the amount must be limited by the number of the committee, but a large proportion of those individuals on both sides of the

House, whom common fame pointed out as having turned their attention to the study of the question, connected with the theory or practice of our monetary system. It would in his opinion be unfairly constituted if it did not comprehend the right hon. gentleman opposite (Mr. Tierney), and such a number of those who sat around that right hon. gentleman as might make him feel that he was not unsupported; and if it did not also include a similar portion of the members of his majesty's government, and those who generally concurred with them. He would add, that such a committee would not be wisely constituted, if it did not contain a sufficient number of individuals attached to neither party, and with minds altogether unbiassed on the particular questions to be discussed to prevent the proceedings of the committee from degenerating into a political contest, when the object of all ought to be a search after political truth. For his own part, if he had the honour to be appointed a member of the committee, although he must of course carry with him the abstract opinions which he had formed on the points at issue, he would take care that those opinions should be perfectly open to qualification from the facts which the inquiry might elicit. He would endeavour to discover, not so much the shortest as the safest way of returning to cash payments. He said safe, rather than short, because there were methods of obtaining the resumption recommended to the public, and by no mean authorities, short indeed, but not salutary.

In truth, independently of the communication from the Bank, he (Mr. C.) was glad that the original plan was so far changed, as that an inquiry was now to take place. For since the meeting of parliament, the old controversy on this subject had been revived. A new flight of pamphlets had lighted on the town. In such a state of things, it was evident, that a dispute so warmly carried on must be decided somewhere, and surely no place was so fit for the decision as that House. In some of the pamphlets to which he alluded, he had seen doctrines as much opposed to one another as they were in many respects opposed to truth. Some of them were as adverse to the principle of resumption, as others were to the principle of restriction. In some, principles were advanced and supported with apparent plausibility, which he considered as of dangerous and alarming tendency to a commercial country. There was the determined opposition to the continuation of the restriction under any circumstances, and there was the avowed objection to the resumption at any time, such as that of his worthy friend Mr. Cropper. From these opposite extremes, he recoiled with equal repugnance. But seeing these conflicting schemes thus boldly proposed and vigorously canvassed, he was glad that an ample, and he trusted he might add, an impartial parliamentary inquiry was about to take place, as that would very much tend to settle the public mind on the subject.

With respect to the allusions which had been made to his former opinions on this question, he should say, that he remembered how he had spoken, and it should also be remembered how he had voted on that occasion. He went the full length of many honourable gentlemen opposite in support of that monetary system, a recurrence to which, whenever it could take place with safety, he conceived to be so necessary for the protection of a sound currency, and for the maintenance of public credit and public faith; but he could not, and did not agree with them in every point which they had maintained, nor did he go with them (as the right hon. gentleman might remember) to their then practical conclusion. He was then and still against the principle of restriction where restriction could be avoided; but when the necessity for that measure was alleged by so many upright, honourable, and independent men, whose experience made their opinions of still greater weight; when he saw such men (who, by the way, seemed to be treated with little respect by some honourable gentlemen on the other side of the House) give their united opinions against the immediate resumption of cash payments, he felt that the benefits which might be expected from that resumption, if rashly urged, might not be commensurate with the hazard. If, in the opinion of such men, the danger of the attempt was imminent, much as he wished for the measure, he would rather encounter the consequences of delay than those of precipitancy. He would enter on the inquiry with openness and candour, and his future conduct on the subject should be guided by the facts which it might bring to light. —Take, for instance, the question about exchanges, and the turn in our favour which the resumption of cash payments

might give them as a specimen of the controversy which was now raging, and as a proof of the danger of legislating hastily upon the subject. The question was put —how could the Bank open when the exchange was against us? To this it was answered, that the amount of the issues by the Bank regulated the rate of exchange, and that if the issues were diminished, the exchange would turn in our favour. On this point there were conflicting opinions entertained by some of the most intelligent men in the country. If he (Mr. C.), were asked what was his opinion upon it, whether he himself thought that a diminution of the issues would have the effects ascribed to it, he should reply, without hesitation, that he thought it would; but then came another question, to which he was not equally prepared to give an answer. At what cost?—Here, therefore, was a difficulty which a man might be a philosopher and not see, but which, if he did see, he must be something less than a philosopher not to allow to be a fit ground for pausing, and therefore a fit subject for inquiry.

He had now done with the main subject of debate, and should only observe on one or two other points which had been mentioned by an hon. gentleman opposite (Mr. F. Lewis). That hon. gentleman had professed himself to be a friend to an open rather than to a secret committee; and was unwilling, that what he called the supplications of the Bank for the latter, should be listened to by the House. But the hon. gentleman and the right hon. gentleman also, had quite misunderstood his right hon. friend, and had mistaken the ground on which the Bank stood in this business. It was a mistake to suppose that his right hon. friend had said, that the purport of the communication made by the Bank, was the inability of that body to resume payments in cash. They merely came, and gave it as their opinion, that it would be a delusion to suppose that the restriction could be limited to a very short period. They offered proof in support of that opinion, and his right hon. friend proposed to the House to accept that offer. It was nothing to the government or to the House what might be the motives of the Bank in making their communication. If the fact which they alleged could be established, the motive which dictated the communication was of no importance. He regretted that this had not been distinctly understood at an earlier part of the evening, as it would have saved his right hon. friend from the blows he had received in his political skirmish with the right hon. gentleman, if indeed that could be called a skirmish,

"Ubi tu pulsas, ego vapulo tantum."

The right hon. gentleman had certainly laid on his strokes of ridicule and severity as unmercifully as his right hon. friend had submitted to them quietly and good humouredly. The moment it was known that his right hon. friend had altered his plan, and that the reasons for making the change were avowed, then came the charge, that "the Bank wish to continue the restriction for their own profit, and they insist on your inquiring for the purpose of continuing it, and you inquire because you wish to gratify them." But it by no means followed, that in adopting the Bank's measure, his right hon. friend acted upon the Bank's motives. His right hon. friend agreed to the inquiry proposed by the Bank, without caring what might be the object in proposing it. The inquiry might be proper, though the object might be questionable, and the inquiry might produce benefit, though the original object for which it was suggested might not be attained. The earth stood upon an elephant, and the elephant upon a tortoise; but the right hon. gentleman was for leaving out the elephant. The Bank was the intermediary between the House and the inquiry. The Bank might call for the inquiry for its own purposes; his right hon. friend might agree to it for his. But it was not fair to omit the connecting link, and charge his right hon. friend with proposing inquiry for the purpose of continuing the Bank's profits.

The present differed materially from all former discussions on the same subject. For the first time in twenty years the Bank itself had come forward to recommend inquiry. That inquiry must be secret; and why? For the sake of the Bank? No; For the sake of the public interests, as connected with the safety and credit of the Bank. All the concerns of the Bank must be inspected,—all their transactions with government,—all their preparations for paying in specie. Were those fit subjects for an open inquiry? Great fault had been found with the partial experiment of opening the Bank in 1816, at the time he (Mr. C.) partly confessed he had himself conceived it to be a most wise measure. He had hailed the partial resump-

tion with joy, because he looked upon it as the forerunner of a general return to cash payments. It was then the opinion of intelligent men, that it was one of the most prudent steps that the Bank could take. He (Mr. C.) now thought otherwise. The light of experience had shown to him and to others, that without adding a grain of gold to the circulation, the Bank had been drained by that partial resumption of five millions and a half of specie. And yet every body at the time thought it a wise measure. If the Bank erred in that experiment, they erred with Plato and with all mankind. "Here is a fine Bank," said every body that talked upon the matter;—"how wisely and prudently has it begun a gradual resumption of cash payments; thus avoiding the evils of a sudden change both to itself and to the country." But when the result showed that the experiment had failed, the hon. gentleman turned round upon the Bank, and all the gratitude which he professed for it was thrown after it.—The occurrence of a similar error would now be avoided. He did not use the word "error" with respect to the resumption; what he meant was the error of taking any step in so inportant a matter without the most minute and diligent inquiry into all its probable results. On that ground, he was most anxious for the appointment of a committee.

He would refrain from any reply to those general observations which the right hon. gentleman had made on the conduct of his majesty's ministers, not as he believed the right hon. gentleman would do him the justice to admit, from any habitual unwillingness to meet political attack with becoming resistance and reprisal, but because he was more anxious on the present occasion for a sound and temperate decision than for any victory in debate. Of the course which the government were at present taking, he believed he had given ample explanation, and he did not feel himself bound to enter into the political sparring which the right hon. gentleman appeared to provoke for the purpose of making this a party question. He would adhere strictly to the subject before the House, and would detain the House no longer than while he briefly compared the merits of the two propositions between which their vote was to decide. There were two committees proposed; one by his right hon. friend, the other by the right hon. gentleman;—the one secret, the other open;—the one authorized to examine the general subject as connected with the state of the Bank, the other without power to obtain any information as to the Bank's concerns. If the right hon. gentleman's proposition were adopted, the inquiry would proceed in an utter ignorance of one of the most important objects of investigation. As to the appointment of two committees, he could hardly think that it was recommended seriously. To have one committee examining the state of the exchanges and the circulating medium, the other examining the affairs of the Bank,—both proceeding in their investigations at the same time,—one secret, and the other open,—one involved in darkness, and the other professing publicity,—one that was bound not to disclose the information which it received, and the other ready to divulge every thing—would be a mode of proceeding too clumsy for the House to adopt. And yet, if the right hon. gentleman's motion were agreed to, there would be a necessity for two committees; for it was impossible to understand how the Bank could be kept out of view in such an investigation; and to a secret committee only, could the affairs of the Bank be submitted. Two committees! There must be three; for when the two committees had made their several reports, a third must infallibly be appointed to adjust the two reports to each other, and to draw a common result from these incongruous materials. There appeared to him to be no form, no style, no phraseology, no contrivance, no abstinence of eloquence which could enable any committee to omit mentioning the Bank in their report. The Bank must meet them at every step and turning. The Bank must inevitably be their great theme. It would be first, last, and midst, and without end. The courses proposed by his right hon. friend, and the right hon. gentleman reminded him of the contest of two rival companies of players performing the tragedy of Hamlet against each other in a country town, one of which, after exhausting every other expedient to afford variety, adopted the attractive novelty of advertising the tragedy to be performed, with the omission of the character of Hamlet. A committee to inquire into the effects of the Bank restriction on foreign exchanges and domestic circulation, without having the power to look into the affairs of the

Bank, would indeed be the play of Hamlet, with the character of Hamlet omitted.

Mr. *Manning* said, that the Bank had not interfered in their call for inquiry, from any motive or views of private interest. The question of the restriction was a great national question, and not so much connected with the interests of the Bank as of the public. Indeed, the interests of the Bank, compared with those momentous considerations which entered into the present question, were, as had been truly expressed by his noble friend but as a fly upon the wheel. For any peculiar interest the Bank had in the decision come to on this subject, the House might fix upon any time they chose for the cessation of the restriction, without meeting with opposition from that body. They had manifested an inclination to fulfil the act which had been passed for a return to cash payments, and had actually paid a part of their notes in cash, in doing which they were accused of folly by an hon. gentleman opposite. They still, however were of opinion, that in that transaction they had behaved with laudable prudence and good faith, and had shown a proper deference to the will of the legislature; and in this opinion they were supported by his right hon. friend near him, who said he had hailed this partial payment as an omen of an approaching restoration of the sound currency of the country. The Bank was not only then of opinion that the restriction might be completely and safely removed at the period appointed by act of parliament, but they entertained the idea to a very late period. His right hon. friend had truly stated, that with this impression the Bank had issued between five and six millions of gold, which had in a short time entirely disappeared from circulation. The exchange had become unfavourable, which accounted for the disappearance of our coin; but still he was convinced that it was not entirely lost to the country; as without such an issue the exchange might have been still more unfavourable than it now was. That the Bank had not in other respects lost sight of its duty, and had been making preparations for the resumption of cash payments, might be inferred from the contraction of their issues, which would appear from the returns that would soon be laid on the table of the House. By those returns it would be seen, that there had been a reduction of Bank issues in the last half of the year 1818, as compared with the last half of 1817, of 3,900,000*l.* The average amount of Bank notes in circulation during the year 1817 was 29,000,000*l.* By the returns which he himself had called for, and which to-morrow would be laid on the table, it would appear that the average amount of notes in circulation, from January to June 1818, was 27,954,000*l.*; and that the average amount on the last half of the year, namely from the 1st of July to the 31st of December, was 26,487,000*l.* It would be seen by this statement, that there was a considerable reduction in the amount of Bank circulation last year, as compared with the previous year, which diminution had been effected in contemplation of a return to payments in cash. It was very easy for gentlemen to say, generally, reduce your issues and prepare for fulfilling your engagements; but their language would be changed if they knew the difficulties under which the Bank was placed in having to supply the wants of the country. The Bank, however, was, with regard to restriction, in the hands of the legislature. They came forward with no requests; they obtruded no opinions; they felt that it would be highly presumptuous in them to do so.

Mr. *Grenfell* said, he had examined the returns laid on the table yesterday. It did not appear from them, that the Bank had reduced their issues during the year 1818; on the contrary, the result was, that in the first six months of the year just expired, they had been not only greater than in the preceding year, but greater than in any year from 1797 to the present. In the last six months some diminution had taken place, but the Bank was entitled to little credit for that circumstance. The average issue of the year was between 27 and 28 millions.

Mr. Alderman *Heygate* said, that he preferred an open committee to a secret one, as more satisfactory to the public mind, for conducting an inquiry, in the result of which the interest of all were so deeply involved—an inquiry intended to set at rest public anxiety, and to vindicate the credit of our circulation, not only at home, but throughout Europe. He did not agree with all the deductions in the report of the bullion committee. He would not allow that the unfavourable state of the exchanges was entirely owing

to the depreciation of our internal currency, nor could he without qualification admit the remedy proposed. He was of opinion, that the exchanges could only be turned in our favour by such a fall in the prices of labour and of all articles of manufacture as would force exportation till our exports exceeded our imports; but when he considered the evils with which this operation might be attended, he hesitated with regard to the policy of bringing about such a state of things, and thought a return to cash payments on such conditions would be paying too dear for the advantages contemplated. He was sensible of all the inconveniencies of the present system of currency. Its amelioration was in the hands of the Bank, against whose conduct as a body he had nothing to say. They deserved, he thought, on the contrary, every praise for the wisdom, prudence, and forbearance they had shown in the exercise, for the last twenty years, of powers so novel and extraordinary as those with which they were invested. Connected as he was with the banking business, he could not refrain from alluding to the feelings of the country bankers, who were anxious not to stand in the way of public convenience. The hon. member congratulated the House on the proposed inquiry; and hoped that the committee would consist of members who would lay aside all personal and political animosities; that they would consider the subject in all its bearings with calmness and impartiality, that by their labours the public mind would be enlightened on questions that so intimately concerned the public interests; that the extent of circulation would be determined, and an end put to those rapid and extensive fluctuations, which, though beneficial and profitable to some, were injurious and calamitous to the great body of the people. By settling the questions with regard to the proper amount of our circulating medium, people would be able to know the value of their property for definite periods, contracts would be secure, and the public would not feel any of those alarms which they felt from the present system, and which distressed the greater number for the benefit of a few.

Mr. *Tierney* hoped that the House would indulge him with its attention for a short time, while he felt himself called upon to reply to some remarks which had been advanced by the gentlemen on the opposite side. He could not help observing that he had been dealt with unfairly; he had been accused of saying every thing against the Bank of England. Such an assertion was illiberal and erroneous in the extreme; for he was within the recollection of gentlemen when he unequivocally affirmed, that he never had advanced one syllable against the Bank of England. He felt seriously for the awkward situation in which the Bank was, with respect to the apparent necessity of continuing the restriction from cash payments. He therefore sympathised with the Bank; but while he confessed this, he found himself imperiously called upon to discharge his duty to the public. And for acting agreeably to these impressions, he was obliged to encounter the reproach and ridicule of the gentlemen on the opposite side. One right hon. gentleman had exercised his talents for jocularity and wit, at his expense: the right hon. gentleman thought that he had made a happy allusion to his conduct, by comparing him to the country manager, who, for the sake of novelty, attempted to play the tragedy of Hamlet, by the omission of the part of Hamlet himself. With every deference to the keenness of the right hon. gentleman's wit and sarcasm, he could not conceive the felicity of his adaptation. For the sake of variety, they had also been entertained with the figure of the fly upon the wheel. This was no new invention of those who endeavoured to make us laugh at the national calamities. In regard to its connexion with government, the Bank of England had been described as the fly upon the wheel of the former. But he was of opinion that the figure would have been more happily displayed by representing the chancellor of the exchequer himself as the fly upon the wheel of the Bank of England [A laugh]. It was, however, useless and nugatory, to pursue the subject further in this strain of good humour or merriment. If his majesty's ministers chose to screen themselves from the bitterness of reproach, by jesting with the feelings of the people, to such men only be the shame attached to such conduct. To come at once to the question—he wished to know when the restrictions on the Bank of England were to cease? when cash payments were to be resumed? The Bank, he believed, was not originally a party to the restriction; but he was at a loss to understand why they should manifest such an indisposition to inquiry in the course of last year, and

such an anxiety for it in this. It was the intention of ministers — at least they would have the country believe so—to take off the restriction in March 1820, but suddenly a new light broke in, and now the course was to be changed. What he wanted to know was, whether they had a prospect of ever paying in specie at all [Hear, hear!]. Their plan, as far as he could penetrate it, seemed to him to be this. They said, we will continue the restriction up to 1820, and then we will have a committee to inquire. After that, we shall be able to start on a new score. The Bank, to show the sincerity of its wish to fulfil its engagements, had paid a part of its notes in specie, and then complained that this specie had disappeared. He would tell them why it had disappeared. Had they reduced their issues of paper at the time that they issued the gold, the gold would have continued in circulation for the notes withdrawn; but while they withdrew notes of a certain date, they issued others to supply their place. Nobody disputed the principle that gold could not continue in circulation for notes which were supplied by other notes. They might as well have folded it up in parcels for exportation. He had no conviction that they would reduce their issues. But he did not find fault with the Bank on this account; he rather gave them credit for the attempts at reduction which they had made. They were so beset with claims by all quarters, that they could not think themselves safe in their house in Threadneedle-street, if they refused discounts; their inclination, he had no doubt, was good; and had they a government who would stand by them, and support them in their resolutions, and tell them to listen to nobody, he was sure the object might be accomplished. Government, instead of doing this, depended on no grounds of judgment of their own, but relied upon gentlemen interested in obtaining the issues which the government ought to restrain. The right hon. gentleman had spoken of the temper with which the members of the proposed committee ought to conduct their inquiries. He (Mr. Tierney) would promise, if elected, to attend that committee, and would enter it with as unprejudiced a mind as he could. He did not expect, indeed, that any thing that could occur in it would make him alter his opinions; but he could say, at least, that he was open to conviction, for he was not pledged to support them, if he saw reasons for a change. Could the right hon. gentleman say as much for himself, while a resolution of his remained on the records of parliament, declaring that a Bank-note was equivalent to a pound sterling? He would not now put to him the case of the one pound bank-note against 20 shillings, but of bank notes against bank notes, and the right hon. gentleman would see that a one pound bank note of a certain date was more valuable than another. To show this, he would offer for a hundred pound bank note of a date anterior to the 31st December 1816, a hundred pound note of a subsequent date, and four pounds in cash. If the right hon. gentleman were to give up this resolution, he should have some hopes of him in the committee. The right hon. gentleman opposite had complained of his severity towards the chancellor of the exchequer. He was not at all sensible that he had been severe; but if he had, he could defend himself by the example of the right hon. gentleman who had himself given him—he was sorry to be obliged to resort to a vulgar word—a genteel dressing [a laugh]. The right hon. gentleman then entered into a history of the two motions, and defended the words in which his own was expressed. He suspected all the way through, that the object of the committee which the right hon. gentleman proposed, was not to bring out the thing that he wanted. What he wanted was, to oblige them to make a distinct answer, of which every man could judge for himself. The right hon. gentleman wished them to state, that the foreign loans constituted a reason to justify the restriction; but he (Mr. Tierney) could not conceive it possible that such a return could be made. Suppose they returned that the exchanges were against us, then they must show the operation of exchanges; but if it were referred to them to report generally all opinions on the subject, he was afraid that the house would get no specific points on which they could come to a conclusion. The return of the committee might mean any thing; which he should take to mean nothing at all. As to directing the attention of the house specifically to points, he did not believe that they would get it from that committee. A great deal had been said as to the nomination of the committee; but notwithstanding all that had been urged in favour of a

ballot, and the compliments that had been paid to the hon. member for Bramber, he (Mr. Tierney) for one would not be satisfied with the nomination of the committee by the chancellor of the exchequer, surrounded as he was, by day and night, by Jew brokers, speculators, and other interested adventurers. He therefore called upon all who were anxious for practical inquiry to support the motion which he had made. The right hon. gentleman had referred to former opinions on this subject; but those opinions were given during a period of war. It was now a period of peace, when every body but the chancellor of the exchequer could tell what would happen. If, after all that had passed since the termination of hostilities, and particularly after all the negotiations at Aix-la-Chapelle, he could not come to a conclusion, he would never be able to say when the Bank restriction would be withdrawn. His (Mr. Tierney's) object was, to bring the question to some distinct issue, and to have it soon. For this purpose, what could he do better than, when he heard that the restriction was to be renewed, give notice of an inquiry? If the Bank directors would only have the goodness to answer for themselves as members of parliament, then the house would see whether this system ought to form a part of the permanent measures of the country; but hitherto they had always set themselves in array against those who opposed the restriction, and had always given their negative against them. He saw no possible objection to the resumption of cash-payments by the Bank, provided they would reduce their issues, gradually and gently, between this and next July. He knew that the resumption of such payments could not commence until there had been some sort of jar with the public; but he was convinced that none of those fatal effects would result from it, which it had been so much the fashion to anticipate. To what point, it might be asked, would he wish to reduce the circulation? He could not exactly tell, but he would say, that it should be reduced to the real wants of the country. That was the point for the house to consider; it was the only criterion by which their judgment could be governed. They must not keep up the circulation out of compliment to any body. To say that he was to take into consideration any other criterion, was what he could never consent to do. Gentlemen must make up their minds to some inconvenience. For his own part, he did not think that the inconvenience would be so great as was expected; but if the Bank were allowed to increase their issues till such time as the restriction expired, the resumption of cash-payments could not be brought about without some difficulty. His hope was, that a different course would be pursued. If we had an administration which possessed sufficient manliness to face the difficulties of the country, to sift its finances, and to probe this subject to the bottom, it might be found that the restriction of cash payments, which was originally imposed on the ground of necessity alone, ought not to be continued; but the present administration could come to no decision on the question. No government could introduce a change of affairs without some inconvenience; but in this case the inconvenience could only be felt in proportion to a man's extravagance, and this would be an evil which he had brought upon himself. In a former session of parliament the house had heard a great deal of a poor race of men called Spenceans, who were held up as pests of society, and likely to overturn the whole system of government, and God knew what! Now, what was the fact? Those gentlemen wished that every person should have an equal portion of land, just as the mercantile gentleman wished that every man should have an equal portion of funded property. For his own part, the only difference that he saw between the Spencean and the monied visionary was this—the former had a great taste for agricultural enterprise, without having a foot of land; while the latter was a great speculator in commercial bargains, without a farthing of capital.

After the long discussion which had taken place, he would refrain from troubling the House any longer. He certainly had no objection that the state of the foreign exchanges should, among other matters, come before the committee; and in expressing his willingness that that should be the case, he did it more from the view of accommodating others than from any idea of his receiving further information than he now had. The resolution he had submitted to the House was the result of his serious and deliberate consideration, feeling, as he did, that the question was in every respect one of the most important that could occupy the attention of the legislature. Acting with

that view, he would now submit it to their consideration, and take the sense of the House upon it.

The question being put, That the words proposed to be left out, stand part of the question, the House divided: Ayes, 168; Noes, 277; Majority against the motion, 109. The motion of the chancellor of the exchequer for a secret committee to be chosen by ballot, was then agreed to.

List of the Minority.

Abercromby, hon. J.
Althorp, viscount
Allan, J. H.
Anson, sir G.
Aubrey, sir J.
Astell, William
Barham, Joseph
Baring, sir T.
Barnard, viscount
Barnett, James
Becher, W. W.
Belgrave, viscount
Bernal, Ralph
Bennet, hon. H. G.
Benyon, Ben.
Bentinck, lord W.
Birch, Joseph
Brand, hon. T.
Browne, Dom.
Brougham, Henry
Burdett, sir Francis
Burroughs, sir W.
Byng, G.
Calcraft, John
Churchill, lord C.
Calvert, Charles
Calvert, Nicholson
Campbell, hon. J.
Crespigny, sir W. de
Carew, R. S.
Carter, John
Cavendish, Henry
Clifford, captain
Clifton, lord
Coffin, sir J.
Colborne, N. W. R.
Colclough, Cæsar
Coke, Thomas, jun.
Concannon, Lucius
Coussmaker, George
Curwen, J. C.
Crompton, Samuel
Davies, T. H.
Denman, Thomas
Denison, W. J.
Douglas, hon. F. S.
Duncannon, viscount
Dundas, hon. L.
Dundas, hon. G.
Dundas, T.
Dundas, Charles
Ebrington, viscount
Ellice, Edward
Euston, earl of
Fazakerley, N.
Fellowes, Newton
Fergusson, sir R. C.
Fitzgerald, lord W.
Fleming, John
Frankland, R.
Fremantle, William
Gordon, Robert
Graham, Sandford
Graham, J. R. G.
Grenfell, Pascoe
Guise, sir W.
Grosvenor, general
Gaskell, Benj.
Gurney, R. H.
Hamilton, lord A.
Harvey, D. W.
Heathcote, sir G.
Hornby, Edward
Howard, hon. W.
Howorth, H.
Hughes, W. L.
Hume, Joseph
Hurst, R.
Heygate, alderman
Kennedy, T. F.
Knox, hon. Thos.
Lamb, hon. W.
Latouche, John
Lemon, sir W.
Lloyd, sir E.
Lloyd, J. M.
Lyttelton, hon. W.
Lewis T. F.
Macleod, R.
Mackintosh, sir J.
Madocks. W. A.
Maitland, J. B.
Martin, John
Maxwell, John
Methuen, Paul,
Milbank, Mark
Merest, J. D.
Mills, George
Monck, sir C.
Moore, Peter
Mostyn, sir T.
Morpeth, viscount
Maberly, John
Morland, S. B.
Newman, Robert
Neville, hon. R.
Newport, sir J.
North, Dudley
Nugent, lord
Nugent, sir G.
Onslow, Arthur
O'Callaghan, J.
Ord, William
Osborne, lord F. G.
Palmer, C. F.
Pares, Thomas
Parnell, sir H.
Peirse, H.
Pelham, hon. C. A.
Pelham, hon. G. A.
Philips, G.
Philips, G. jun.
Philips, C. M.
Ponsonby, hon. F. C.
Power, R.
Powlett, hon. Wm.
Price, R.
Protheroe, E.
Phillimore, Dr.
Ramsbottom, John
Ramsden, J. C.
Rancliffe, lord
Ridley, sir M. W.
Robarts, A. W.
Robarts, W. T.
Rowley, sir William
Russell, lord Wm.
Russell, lord G. W.
Russell, lord John
Russell, R. G.
Rumbold, C. E.
Sharp, R.
Smith, William
Smyth. J. H.
Spencer, lord R.
Stuart, lord James
Stanley, lord
Symonds, T. P.
Shelley, sir J.
Sebright, sir J. S.
Tavistock, marquis
Taylor, M. A.
Thorp, alderman
Tierney, G.
Tremayne, J. H.
Temple, earl
Walpole, hon. G.
Waithman, alderman
Webb, Edward
Wharton, John
Whitbread, William
Wilkins, W.
Williams, Owen
Williams, William
Wilson, sir Robert
Wood, alderman
Wynn, C. W.
Webster, sir G.

TELLERS.

Lambton, J. G.
Macdonald, James

HOUSE OF COMMONS.

Wednesday, February 3.

BANK RESTRICTION CONTINUANCE—PETITION FROM BRISTOL IN FAVOUR OF.] Mr. *Hart Davis* said, he held in his hand a Petition from the merchants, bankers and manufacturers of Bristol, the prayer of which was against a too speedy Resumption of Cash Payments. It was stated to be the petition of the bankers of Bristol, as well as of the merchants and manufacturers; but on looking at the signatures, he did not see that it had been signed by any bankers, as bankers. However, when any of the partners in banking-houses happened also to be engaged in other concers, they had signed it, not as bankers, but as traders.

The petitioners stated, "that they have heard with much apprehension that the design is entertained of proposing in parliament the resumption by the Bank of England of its cash payments; the petitioners have the most entire confidence in the resources of the National Bank, and that its issues are fully warranted by the property which it holds in deposit; and that they are firmly persuaded that if this measure shall be forced upon the

country before it shall by a favourable state of its foreign exchanges be fully prepared for its reception, not only the finances and revenue of the state must suffer, but even the stability of the Bank itself be endangered by the exportation of its bullion, and the depreciation of the property which it holds as the security of its issues; the petitioners conceive also, that the present is a period peculiarly hazardous for an experiment of so important a nature, when loans of unprecedented magnitude are in progress of payment in Europe, and when the exchange with both the continents is greatly against this country; the petitioners confidently anticipate that as the present state of our foreign exchanges may be justly attributed to causes which, although quite adequate to the effect, are not in themselves necessarily permanent, that the period may reasonably be expected to arrive at which a resumption of cash payments may be made with safety, and without inconvenience; awaiting then this period, the situation of the country can only be rendered alarming by a premature recurrence to measures which the petitioners are satisfied must cramp the commercial intercourse of England with foreign countries, contract its trade and manufactures, and be most injurious to its best interests; the petitioners therefore most humbly pray, that the House will reject every proposal which may be made for an hasty and premature adoption of such a measure."

Mr. *Ellice* said, he should have been guilty of great presumption, had he taken any part in the discussion of last evening. He could not say the result of that discussion met with his entire approbation; but from the list which he had that day seen circulated, he indulged in the expectation of a satisfactory result. Whatever his views upon the subject might have been, he was, at all events, now glad to find that the question was not likely to be taken up as one of party. A noble lord whom he did not then see in his place, had said much about the influence of the exchanges on the resumption of cash payments; but had that noble lord referred to the right hon. the chancellor of the exchequer, for the cause of the depression of exchanges, he would have found a truer one than any which he had assigned. The right hon. the chancellor of the exchequer, when stating that he would bring in a bill for the restriction of cash payments until March 1820, offered little else than an insult to the understanding of every rational man. For, would it not prove the height of mockery to say, that stock to be purchased with bank-notes, should be repaid in gold? If some settled system were not soon adopted, in order to free the country from the improper tricks and devices resorted to by the chancellor of the exchequer, he could see but little hope of its prosperity or repose. If the issues of exchequer bills, still increasing our paper circulation, were continued, it would be totally useless to look for any benefit from the committee. Indeed, unless the present abominable system of finance were altogether abolished, every occasional remedy that might be applied to lighten its severity would, he feared, prove abortive.

Mr. *Protheroe* said, that had he been in the House, when the petition from Bristol was presented by his hon. colleague, he should have borne testimony to the respectability of those persons by whom it had been signed. With regard to the petition itself, he could only state, that he had received no letter, nor instruction whatsoever on the subject.

Mr. *Lambton* said, he did not intend to oppose the reception of the petition, but he begged to state, that he understood it was got up by a club of merchants, without any public meeting whatever; and he therefore rose to enter his protest against the petition being received, as that of the merchants, bankers, and manufacturers of Bristol.

Mr. *Calcraft* said, that he also had seen the treasury list, but he could not agree with his hon. friend that it was a fair list. It was unfair, in his opinion, on the very principle laid down by the honourable gentlemen opposite themselves; the principle laid down by them was, that the committee should consist of those members who were most conversant in the matters which were connected with the subject of the inquiry. Now, the leaving out of this list an hon. and learned friend of his (Mr. Brougham), who was as well, indeed he might say, who was better qualified for such an inquiry than almost any member in that House, was, to say the least of it, a gross deviation from candour. Besides, there were fourteen of the members who voted with ministers, to seven of the members who voted on the opposition side of the House. He could not therefore agree with his hon. friend in thinking this

a fair committee. It contained, in fact, a greater majority proportionally than ministers had in ordinary divisions. He knew something of the fairness to be expected in a ballot of this nature; for he happened some time ago to be one of the scrutineers on a former occasion; and he could say, that above ninety, out of little more than a hundred lists, were written in the same hand, were written by one of the clerks of the treasury. He hoped some deviation from the usual practice would take place on this occasion, and that one of the most skilful and experienced members of the House would be named on it.

Mr. *Ellice* observed, that he had not said any thing relative to the fairness of the committee, not knowing much of the members who were to constitute it. He had merely expressed his satisfaction, that persons were included in the committee from whose efforts he expected some benefit to the country.

Mr. *Tierney* said, he hoped ministers would withdraw one of the names on their list, in order to introduce the name of his hon. and learned friend beside him; because he was sure it would be admitted, from every part of the House, that there was no man in the country from whom so much assistance could be derived, on an inquiry of this kind, as from his hon. and learned friend. He was not now talking with reference to political parties—his object was not a party question at all. He was sure nothing would give more general satisfaction to the country, than the adding the name of his hon. and learned friend to a committee of inquiry into any branch of political economy, but especially into a subject like the present.

Mr. *Lawson* remarked, that the greater the unanimity of opinion that existed among the members of the committee, the more likely they would be to promote the object for which they were appointed. It was on this principle that he preferred a committee elected by ballot. He knew a case in which an order had been signed by two justices at their respective mansions, and the order was afterwards found to be illegal, because the justices had signed it separately. Let a man collect at random all the most elegant features that could be found, and put them together, they would form a very ugly face. In the twenty-one names which were to compose the committee, he would propose the alteration of one, in order, as a gentleman of the Bank had said last night, "to exercise a little discretion of his own." In the proposed list he found the name of a gentleman of doctors commons, (sir John Nicholl), and he could not conceive why he should have been nominated, unless it was apprehended that there existed a criminal conversation between the chancellor of the exchequer and the old lady in Threadneedle street [a laugh.] He had therefore inserted the name of lord Lascelles.

Mr. *Hart Davis* said, that whatever might be thought of the political sentiments of those who had signed the petition, he could only repeat, that he had never presented one more respectably signed.

Mr. *Tierney* said, he had no doubt of the respectability of the signatures, but he objected to it on account of the manner in which those signatures had been obtained. He would put a question to the hon. gentleman. Was it, or was it not, a fact, that at a meeting of a club, of which Mr. alderman Daniel was chairman, that petition was put (whether by accident or not he should not inquire) into the hands of the chairman, in order to obtain the signatures of the members? He understood that all the signatures affixed to it, with the exception of one, were obtained in that club; and now it was brought forward purporting to be the petition of the inhabitants of Bristol. The fact was, that one half of the persons who had signed it, did not know what the object of the petition was.

Mr. *Hart Davis* said, that what the right hon. gentleman had stated was wholly new to him, for he had not even heard that the petition had been given to alderman Daniel. Of all those who had signed it, there was not one connected with a banking house. It was true, that some of them were both bankers and merchants; but it was in the latter capacity that they had signed the petition.

Mr. *Tierney* said, that they signed in one capacity, and acted in another.

Ordered to lie on the table.

COMMITTEE ON THE STATE OF THE BANK OF ENGLAND BALLOTTED FOR.] The Chancellor of the Exchequer moved the order of the day for the House to proceed to ballot for a committee of secrecy, to inquire into the state of the Bank of England, with reference to the expediency of the resumption of cash payments.

Sir *F. Burdett* suggested, whether it would not be better that ministers should hand in the list of names they had prepared, and so save the House much unnecessary trouble, and a round-about way of proceeding, which would only end in what he proposed.

Mr. *Bennet* expressed himself of the same opinion. It was quite impossible for the House and the country not to see that the ministers had the naming of the committee.

Mr. *Dent* said, that till he heard a better reason for departing from the usual practice, he should adhere to that practice.

The clerk then read over the names of the members, and lists of members for the proposed committee were thrown into the glass on the table. No member of the opposition put in a list. The chancellor of the exchequer next moved, that a committee be appointed to examine the lists, and to report what members had the majority of votes. The Speaker named Mr. Brogden, Mr. Calcraft, Mr. Serjeant Onslow, Mr. Lambton, Mr. M'Donald, and lord Binning.

Mr. *Lambton* said, that since it was already perfectly well known and determined who were to be the committee, he would rather decline taking any part in picking up their names.

The *Speaker* said, that he had to apologise to the hon. gentleman, if he had named him to an office which was unacceptable to him. No names for the committee in question had been handed to him, and he had, at the moment, fixed upon those who occurred to him as fit to discharge the duty.

Mr. *Tierney* said, that there was no doubt that his hon. friend was fit for any duty which required impartiality; but there had been so little impartiality in the proceeding hitherto, that he should think it hard that the ministers, after having settled in private who should be the members of the committee, should show their impartiality by detaining for an hour or two a gentleman who had no interest in their proceedings. As they had settled the list of the committee, they might as well name the scrutineers also.

A member observed, that he did not understand the remarks of the right hon. gentleman, as to ministers dictating the names on the lists. He had that morning found a list on his table, but he had not adhered to it; he had inserted in place of some of the names, other names, from the opposite bench, of practical gentlemen. He, therefore, felt indignant at the imputation of having given in a prescribed list.

Mr. *Tierney* said, that he should be sorry to be supposed to have included in his charge all the members of the House. But he could tell the hon. gentleman, who was not, he believed, a member of the last parliament, that he had found, from uniform experience, that the same lists were found, by the same accident, on the table of a great number of other gentlemen, and, by the same uniform experience he had found that those who possessed the independence of the hon. member were in the minority, and the majority was composed of those who put the lists in the glass just in the same state as they had found them on their tables.

Mr. *Waithman* said, that he had found no list on his table [a laugh.]

The Speaker then named another committee, retaining only Mr. Brogden and lord Binning of those formerly named. They immediately retired to examine the lists, and in the course of the evening, Mr. Brogden reported the names of the persons to be the secret committee, viz. lord Castlereagh, Mr. Chancellor of the Exchequer, Mr. Tierney, Mr. Canning, Mr. Wellesley Pole, Mr. Lamb, Mr. F. Robinson, Mr. Grenfell, Mr. Huskisson, Mr. James Abercromby, Mr. Bankes, Sir James Mackintosh, Mr. Peel, Sir John Nicholl, Mr. Littleton, Mr. Wilson, Mr. Stuart Wortley, Mr. Manning, Mr. Frankland Lewis, Mr. Ashhurst, and Sir John Newport.

Westminster Hustings Bill.] Mr. Bennet having moved that the bill be now read a third time,

Sir *F. Burdett* said he should have been strongly inclined to forward any measure which would indemnify the gentleman for whose relief this bill was intended, from any unforeseen expenses which had fallen on him, if his public duty allowed him so to do. But on the consideration of this question, divested of private feelings, he could not agree that the gentleman who held the office of high bailiff of Westminster should be allowed to throw off his own shoulders the burthen of an office which he voluntarily had undertaken. Not only had this task been voluntarily undertaken, but he had paid a large sum of money for the office. The law which the

present bill was intended to continue was first passed in the year 1811, on the recommendation of a committee, which at the time of recommending it stated, that it was objectionable, but that pressed, as they conceived themselves to be, by the necessity of the case, imagining (as he thought, without any good grounds) that the peace of Westminster depended on its passing, they had brought it forward as the best measure which occurred on the spur of the occasion. This act, stultified as it might be said to have been by its authors, had now continued for seven years, and he thought the House would agree that they were not warranted in renewing a measure which was so objectionable in itself. The high bailiff had stated that the profits of his office were only 200*l.* a year—a statement on the face of it hardly probable with respect to a place for which that gentleman had given 4,000*l.* But if they looked into the accounts they would see the cause of it. The gross profits were 450*l.*; but out of this there was reserved a rent of 150*l.* to the dean and chapter, and the high bailiff moreover paid 100*l.* a year to a deputy. But if by reason of these deductions, the high bailiff was unable to bear the burthen of the office, he surely was not entitled to come to parliament for relief. It was a law principle, that benefit and burthen should go together. Where the benefit of the office was equal to the burthen, but the benefit was divided among a number of individuals, it was not to be contended, that they should be relieved from the necessary charges of it, because the sum could not otherwise be divided among so many. The dean and chapter had sold the office, and had reserved a rent out of it. The House had nothing to do with that. The high bailiff appointed a deputy to execute the duties which he did not perform in person; the House also had nothing to do with that. The high bailiff therefore was in the condition of any man who had made an improvident bargain, and was not entitled to come to the House for relief. At any rate, it was not on the candidates that the burthen should be thrown. The dean and chapter had made the office a matter of emolument, which in its nature was an office of the highest trust. The high bailiff in Westminster had to perform all the duties of a sheriff in a county. To impannel juries, to return the members, and to preserve the peace of the city. This office they had sold; and though it happened in the present instance it could not have been better filled, it was evident that this was mere accident, for they had only confirmed the appointment made by Mr. Browning, the present high bailiff's predecessor. On them, therefore, if not on the high bailiff, the burthen of the election should fall; for he considered the attempt to cast the expenses on the already over-burthened poor-rates as objectionable as the proposal to throw it on the candidates. The charges made at elections were formerly considered as an emolument, rather than as a bare remuneration to the high bailiff: the charges which had been made upon him (sir F. Burdett) on a former occasion he had resisted, as he thought the principle unjust. The chief justice of the court of King's-bench had decided that he was liable to pay the expenses—but they were reduced to the legal charges, which turned out to be very trifling. It was proved, therefore, that even at present, under this decision (which he certainly had thought objectionable), the high bailiff could get his legal expenses; the present bill, therefore, could only be considered as a sanction for the extortion of excessive charges. He therefore should propose, that the bill should be read a third time on this day fortnight, to give time for a committee to inquire, that the House might legislate with deliberation. To him it seemed plain on whom the burthen should fall. The church had been very astute in taking the good things of the world, and throwing from its shoulders the burthens of it; but it seemed plain to him, that the collegiate church of Westminster, being in the habit of making a profit of the high office with the disposal of which they were entrusted, and being possessed of estates charged with the performance of the duties of that office, should pay the expenses with which the duties of it were burthened. The hon. baronet expressed his opinion, that rather than let the present bill pass, it would be much better to have the candidates at the next election called upon to pay a specific sum for the expense of the hustings; for such a levy, although he could not think it strictly justifiable, would be a much lesser evil than permanently to burthen the people of Westminster. Such a burthen ought obviously not to be imposed without any previous inquiry, and especially on a place where the election was

decidedly more free and popular than in any other part of the empire.

Sir *R. Wilson* followed on the same side. He observed, that in his opposition to this measure, he did not mean to act invidiously towards the high bailiff, but he thought that the dean and chapter should rather be called upon to pay the expenses of the election. The law, he said, required that every member of parliament should be possessed of 300*l.* a year; but the enormous charges of the high bailiff of Westminster might oblige an independent man, of small fortune, to mortgage, for a space of three years and a half, the property which would entitle him to sit in that house. It was not true, that county members were obliged to pay the election expenses: it was altogether optional with them. If county candidates did not think fit to give three days notice of their intention to stand the election, they were not legally bound to pay the expenses.

Mr. *Lawson* said, that in a constitutional point of view he thought there were serious objections to the bill. He did not think that the expenses of elections should fall upon any of the candidates—not, certainly, on the unsuccessful candidate. It was unreasonable to demand that the political criminal should defray the expense of erecting that scaffold on which had been executed his hopes, his character, and not unfrequently his fortune. Nor was it fair at this game, that the loser should pay for the tables. According to the good old practice of the constitution, candidates were paid for their attendance in parliament, on the principle that elections took place for the benefit of the people; and he did not see why this practice should have been discontinued; for members ought to be remunerated for their trouble, whatever might be thought upon the subject by those who resorted to taverns instead of attending that House, and who looked for their remuneration to some casual extortion or unduly acquired place. But the opinion of such persons could have no weight with him [a cry of question!] He was surprised at the haste with which the hon. mover sought to press this measure. Although a professed advocate for parliamentary reform, the hon. member would not allow time to inquire upon a subject so interesting to the public. It was strange that the hon. mover, who was the other night such an advocate for inquiry upon the subject of the Bank restriction, should on this occasion be such a strenuous opponent of inquiry—thus preferring precipitate injustice, to tardy justice. If the high bailiff had made a bad bargain, and could not be reimbursed by the dean and chapter, he should seek it at the hands of those who derived benefit from the arrangements necessary on such occasions; namely, the parties represented. With this view of the subject, if a division were pressed, he should be happy to be in a minority with the hon. baronet.

Mr. *Bennet* observed, that no one but the hon. baronet had maintained the singular doctrine, that the expense attending the erection of hustings for the Westminster election should be defrayed by the high bailiff. If, indeed, this doctrine were admitted, in what a situation would the high bailiff be placed! Seven years had elapsed since this officer had purchased his office, and if the hon baronet's doctrine were established, he must have lost within that period no less than 3,000*l.* It had been stated, that the candidates at a Westminster election had to pay 2,000*l.* to the high bailiff for the expense of the hustings; but this statement was utterly untrue, as was another allegation very confidently made, that one of the candidates at the last election had a claim made upon him for 900*l.* So far was this from being true, that 900*l.* formed the whole amount of the charge for hustings, &c. at the last election. But dismissing these falsehoods, the question for the consideration of the House was this—was it fitting or just that the high bailiff should be obliged to pay the expense arising out of the erection of hustings necessary for the conduct of a contested election? The high bailiff had already suffered a severe loss, and a special act was passed for his relief from such a hardship. Yet to such hardship would this officer be again exposed, if the present bill were not passed into a law. But this bill was, in fact, in strict conformity with the principle of the law with regard to the elections for counties, and a mere transcript of the law which had existed in Westminster itself for above seven years, during which it was never petitioned against. No objection to this law had, indeed, ever been made either by the candidates for Westminster or their constituents, since its enactment. Yet it was now proposed by the hon. baronet to have this officer ren-

dered liable for an expense which it was no more fitting that he should pay, than that he (Mr. B.) should be called upon for it.

Mr. *D. W. Harvey* observed, that although all sheriffs, and other returning officers in the country, were indemnified for any expense connected with elections, the high bailiff of Westminster should in equity be excepted from such indemnity: the services of the former being compulsory, while that of the latter were voluntary. The former were compellable by law to accept their offices, and to discharge the duties attached to them; but the high bailiff had taken his office from choice, and for the acquisition of profit. This, indeed, appeared from the report of the committee with respect to that office, the high bailiff having confessedly paid 5,000*l.* for it originally, and avowed before the committee, that in making that purchase, he calculated upon deriving profit from the return of members to that house. Was it to be endured as a principle, that a public officer should be allowed to obtain profit for executing the king's writ, and making the return of a member to that house? For these reasons he should vote with the hon. baronet.

Mr. *Hume* observed, that the hon. mover had put the question for the consideration of the house on this occasion rather unfairly. For the question was not, whether the high bailiff should pay the expense of a Westminster election or not, but whether that expense should be defrayed by the dean and chapter. This was the real question, and upon this he felt himself called to vote for the amendment, in order to afford time for examination. It was a principle always maintained by the chancellor of the exchequer, that where any man could obtain redress in a court of law, he was not entitled to make an appeal to that house. The high bailiff in making his contract for the purchase of his place, ought to have been apprized of the expenses to which he was liable in the execution of its duties. If so, he had no grievance to complain of on the point before the house; but if not, he had his remedy by law, being entitled to tell the dean and chapter, that if they would not pay the expenses connected with the Westminster election, they must make the return themselves.

The house divided on the original motion, "That the bill be now read a third time;" Ayes, 32; Noes, 10. The bill was accordingly read a third time, and passed.

List of the Minority.

Barnett, James	Sebright, sir J.
Harvey, D. W.	Williams, W.
Hume, Joseph	Wellesley, W. P. T. L.
Lawson, M.	TELLERS.
Ommaney, F. M.	Burdett, sir F.
Protheroe, E.	Wilson, sir R.
Rancliffe, lord	

HOUSE OF LORDS.

Thursday, February 4.

COTTON FACTORIES.]—The Earl of *Lauderdale* observed, that as a noble lord had given notice of his intention to move to-morrow for a committee to take into consideration the number of hours during which children were employed in the cotton factories, he wished to call that noble lord's attention to the real state of the case. The subject had been under consideration last year, in consequence of its having come before their lordships in the shape of a bill from the Commons; and he thought it might have been allowed to take the same course again. He did not mean to say any thing at present on the merits of the question, but he wished to appeal to the candour of the noble lord, on two different points, as grounds for the postponement of his motion. In the first place, it would be recollected, that great difficulty had been experienced in the course of last session to find a sufficient number of members to attend the committee. The noble lord was, however, going to propose its re-appointment at a time when several noble lords were about to be appointed to conduct a most important investigation. The second point was this: he had just received a voluminous mass of papers connected with this subject, the details of which were stated to contain proof that the late disturbances at Manchester, and other places where cotton manufactories were established, had been occasioned by the misrepresentations which prevailed last year, when the investigation of this subject was going on. This was a most important assertion, and he wished to have the opportunity of examining the evidence for it, as it ought not to be made without a statement of the grounds on which it was founded; but he could not read all the papers before Monday. Much mischief had been done by the circulation of mutilated extracts of the evidence which had been

heard last session. From what he had stated, he trusted the noble lord would postpone his motion, at least till Monday, if not longer.

Lord *Kenyon* wished to afford every opportunity for a full and free enquiry. He was, therefore, not unwilling to comply with the request of the noble earl, so far as to postpone the motion he intended to make until Monday, but he did not think it right to consent to a longer delay. With regard to what the noble earl had said, as to the difficulty of finding members to attend the committee of last session, he should only remark, that there was not a single day on which the committee had not met and transacted business. As to statements on the subject of the investigation, not consistent with fact, having been circulated, he did not doubt but such might have been the case; but at the same time he must observe, that a very different opinion from that alluded to by the noble earl was entertained by many respecting the origin of the disturbances.

Secret Committee on the State of the Bank Ballotted for.] A ballot took place for a secret committee to consider the state of the Bank of England, with reference to the resumption of cash payments, &c. The election fell upon the following lords, viz.:—The lord president (earl of Harrowby), the duke of Wellington, the marquess of Lansdown, the duke of Montrose, the earl of Liverpool, the earl of St. Germans, earl Bathurst, viscount Sidmouth, the earl of Aberdeen, viscount Granville, lord King, lord Grenville, lord Redesdale, and the earl of Lauderdale.

HOUSE OF COMMONS.

Thursday, February 4.

Petition of Dennis Sullivan.] Mr. *Bennet* said, he held in his hand a petition from a person called Dennis Sullivan, who stated that he had received a severe wound in his majesty's service, in consequence of which he had been rendered incapable of labouring for his support. He thought it would appear to every member who took the trouble of inquiring into the circumstances of the case, that there could not be a more distressing situation than that in which this unfortunate individual was placed. He had been disabled in the service of his king and country, and yet, because he wanted one document (a smart ticket), he must be turned out to starve! A more urgent case than the present, had never, in his opinion, called for the attention of the persons at the head of the Admiralty. Whether this man's claim had failed from want of form in the manner in which he had applied, he knew not; but it was certain that he had applied for a pension, and that his claim had not been recognized. He was sure if the Admiralty would take the circumstances of the case into consideration, they would find that his claims ought not to be resisted. It appeared, from his own declaration, that he had served twelve years in the navy, and that having been disabled by a severe wound, he had been discharged in 1814; that he possessed certificates from the officer under whom he had last served, showing that he had been wounded in the service; that he was unable to work in consequence of his wound; but that he could not establish his claim to a pension, because he had neglected to get a smart-ticket when he was discharged.

Sir *George Cockburn* stated, that in all matters of this kind, the Admiralty were obliged to follow the regulations of an order in council. It was indispensably necessary to have a smart ticket, in order to be entitled to any pension, and as the petitioner had not such a ticket, under the existing regulations, he was not entitled to a pension.

Ordered to lie on the table.

Conduct of Mr. Wyndham Quin.] Sir *Robert Wilson* rose and said, it was his painful duty to present a petition for which he was sure the house would have deep regret, any occasion should appear to have been offered, since the allegations contained in it, if proved, would subject not only a gentleman in a distinguished station at the Irish bar, but also a member of that house, to its severest animadversion for a breach of privilege, affecting its honour and dignity, subversive of the freedom of elective franchise, and those securities which should guard the sanctuaries of justice, as well as of the constitution. He lamented the hon. member was not in England; but as he had received intimation of the petitioner's intention, and the petitioner's private interests would be much injured by an indefinite delay, he trusted the house would not think the petition had been precipitately brought for-

ward. If the hon. member had been present, he should have abstained from every observation which might prejudge the case: absent, he would redouble his caution; but it was only justice to add, that whilst the parties accused stood high in the estimation of many members in that house, and their friends in general, the petitioner, from his station in society, his connexions, and above all, his character, was no less entitled to the consideration which an honourable accuser had a right to expect, and which, as a just man, he would only require until the parties accused had had an opportunity to defend themselves from his charge. It appeared that the hon. Wyndham Quin, a member of parliament for the county of Limerick, had been, some time back, appointed *Custos Rotulorum* for that county. Amongst the many offices in his patronage, was that of the clerkship of the peace, an office of very great importance as administering both criminal and civil justice, and holding the registry of all freeholds. In Ireland, he also understood it to be considered of peculiar importance, from other duties being attached to it, which produced to its holder a considerable revenue, as well as great personal importance. Mr. Thomas William Grady, the petitioner, had been in possession of his office for fifteen years preceding. Shortly after his appointment, the hon. Wyndham Quin sent him a communication of his intention to remove him, but to allow him a pension of 200*l.* a year out of the emoluments of the office. The petitioner declined acceding to the proposal. In September Mr. Carew Smith called on Mr. Quin to interfere on behalf of Mr. Grady. Mr. Quin told him he intended to appoint Mr. Richard Smith, of Limerick, but that he would insist on his allowing Mr. Grady 200*l.* a year out of the profits of the office, on condition that the latter gentleman should support him at elections for knights of the shire, with his hundred tenants. Mr. C. Smith observed, that such a contract would be illegal. Mr. Quin said it would be only an equivalent, a *quid pro quo*. Next day, Mr. Quin renewed the proposition, in presence of a gentleman named Thomas Goold, esq. Mr. C. Smith expressed his opinion of its illegality. He however drew up a minute of the conversation and sent it to Mr. Quin. The next day Mr. Quin, accompanied by Mr. Goold, delivered to Mr. C. Smith the minute, with a verbal alteration that appears on the face of it. Mr. Goold objected to Mr. Quin's putting his name to the paper, but declared he would always testify to the validity of the engagement. As the case materially rested on the actual words as well as the authenticity of this minute, he could not trust to the accuracy of his memory, but read a copy of it to the House. The hon. member then read a copy of the minute to the following effect:—"The hon. Mr. Quin proposed that Mr. R. Smith should be appointed to the office, on condition of his paying Mr. T. W. Grady, a sum of 200*l.* a year out of the profits of it, and that it was expected that Mr. T. W. Grady should remain politically connected with the hon. W. Quin, as long as he continued in the receipt of the said sum, but that he should be at liberty at any time on failure of payment, or on giving up the said annuity, to make a transfer of his political interest." When the petitioner received the proposal he rejected it with indignation, and immediately declared his resolution to bring the matter before parliament. That intention becoming public, a gentleman of Limerick, Mr. Garbett, alarmed for Mr. Quin, called on him, and advised him to offer the 200*l.* a year to Mr. Grady without any consideration, accordingly Mr. Quin wrote a memorandum to Mr. Grady as follows:—"Mr. Grady may vote as he pleases, and if it shall be against me, I will not deprive him of his annuity." When the petitioner read it, he thought he should, be equally culpable with the member complained of, if he had received the proffered allowance, or given up his design of a public investigation. He (sir R. Wilson) was instructed to say that the petitioner was perfectly prepared to prosecute the inquiry, and that the documents referred to could all be produced before the house, or a committee. He hoped he had, in stating the matter, abstained from every thing but a plain description of the case, and then moved, that the petition be brought up.

The *Speaker* stated, that before proceeding further in this business, he wished to call the attention of the house to the last case of the same description which had come before the house. The hon. member had been kind enough to communicate to him his intention on his entering the house. The house were aware how short the interval was which he had had for inquiry; but he had found a case in point, and that he should state to the

House. The point to which he wished to direct the attention of the House was the first step of proceeding—whether the petition should now be brought up or not. In 1811 there was an entry of a similar petition having been offered to be presented, containing charges against Richard Mansel Philips, esq.—The house ordered him to attend in his place on the 14th of June. If this case was to serve the House as a precedent, the course now to be pursued would be, to direct the attendance of Mr. Quin on some succeeding day, before the petition was brought up. He would only add, that if this case were pursued, all farther observations at present would be premature. When the petition was brought up, the case would, of course, be open to discussion. There might be other cases, but he hoped the house would forgive his inability to recollect any others.

Lord *Castlereagh* thought it impossible to adopt any other course than that which had been suggested by the Speaker, and hoped the gallant officer would be of the same opinion, and would move that Mr. Quin be ordered to attend the house.

Sir *John Newport* hoped, as this was the last day for receiving election petitions, that this would not be considered a bar to their entertaining this case hereafter.

The Speaker stated, that the proceedings related to a succeeding election, and not to the past.

Sir Robert Wilson then moved, "That the hon. Wyndham Quin do attend this house in his place upon this day sevennight;" which was agreed to.

Northern Circuit.] Mr. *M. A. Taylor* said, it would not be necessary for him to detain the house more than a single moment. The subject had been several times before the house; it had been fully discussed last session; and there was now, he believed, no gentleman, who would object to the northern counties being placed on the same footing with the other counties, as to the administration of justice. He was fortunate that the subject had been long under discussion; he was fortunate, too, that it had received the concurrence of his majesty's ministers who were in progress with arrangements for carrying the measure into execution. After the report of the committee of the 28th of March should have been read, he would move, "That an humble Address be presented to his majesty, to represent to his royal highness the Prince Regent, that the house, having taken into their consideration the Report of the Select Committee on the administration of Justice on the Northern Circuit, humbly request that his Royal Highness will be graciously pleased to adopt such measures as shall give to the Counties of Westmorland, Cumberland, Durham and Northumberland, and the town and county of Newcastle-upon-Tyne, the benefit of a General Gaol Delivery, and a Commission of Assize and Nisi Prius, twice in each year; and to assure his Royal Highness that this house will make good any expense attending the same."

The *Solicitor General* stated, that the subject had been some time under the consideration of his majesty's government. In the report of the committee, no specific mode by which the advantage could be obtained, was pointed out. He could only assure the house, that the subject was now under the consideration of his majesty's government, and that an arrangement was in contemplation which would, he believed, give general satisfaction.

Mr. *Denman* said, that he could not refrain from expressing his surprise, that so long after the subject had been discussed in that house and out of that house, after men connected with the law, and unconnected with it, had given a decided opinion, it should be announced to that house, that the subject was now under the consideration of ministers. Last session the subject had been fully discussed in that house, four northern grand juries had expressed their strong conviction on the subject; surely the public had a right to expect that ministers would, in consequence, have had something ready before this. He was very happy to give his support to the motion of his hon. friend, and he hoped that it would be carried into effect, without injuring the general administration of justice, by multiplying the number of judges, which he should consider a great evil. [Hear!] The increase of the number of puisne judges in Westminster-hall would promote neither the independence of the bar, nor the service of the public. During the whole of last term the two most important courts in Westminster-hall had each a judge's place vacant. It had been known long before term commenced, that neither of the chief justices could attend, yet no steps had been taken to supply the vacancy, so

little urgency did there appear in keeping up the present number of judges. These observations he had thought it proper to press upon the consideration of the house, since no plan had yet been mentioned. In the intended arrangement, he hoped relief would be extended to other counties. In the midland circuit there were now more than a hundred prisoners waiting for a gaol delivery; a great number of prisoners would, of course, be yet committed before the assizes. This calculation did not include Warwick, where alone there were usually at this time of the year two hundred prisoners. Here, then, were four hundred prisoners to be tried by a single judge. It was manifest, then, that evils of this kind called loudly for a remedy, in the northern and Midland counties. Considering, too, the state of the gaols all over the country, it was a dreadful evil to have them so much crowded. He trusted that a remedy would be effectually applied before the next summer assizes.

Lord *Castlereagh* rebutted the charge of supineness, which had been made against the administration. The remedy for the evil complained of was not so easily found as had been asserted. In proof of this, he should mention that two great authorities had differed upon it, the hon. and learned mover, and the hon. and learned gentleman, who had made this charge against the government. The hon. and learned mover had given it as his opinion, that the remedy was to be effected by increasing the number of the judges, but the hon. and learned gentleman who spoke last had thought nothing more fatal than such a step. The real difficulty was so to distribute the time of the judges, overwhelmed as they were with business, as to enable them to perform this additional duty. As the house seemed disposed to receive the motion with unanimity, he should not trouble it with farther remarks.

Mr. *M. A. Taylor* said, that if he was aware that the state of the general administration of justice was to have been discussed, he should have made some observations on the subject, but he thought it hardly necessary, on the present occasion, as the only question was, as to the northern counties, which were in a worse state than the rest of the kingdom.

Mr. *N. Calvert* observed, that a more equal division of the year between the assizes was highly desirable, as the assizes now took place at the end of three months and of nine. When it was considered that there were only three months between the Lent and Summer assizes, while there were nine months between the Summer and Lent assizes, justice could not be said to be equally administered.

The motion was then agreed to.

THE PRINCE REGENT'S MESSAGE RESPECTING HER LATE MAJESTY'S ESTABLISHMENT.] Lord Castlereagh presented the following Message from the Prince Regent:

"GEORGE *P. R.*

"The Prince Regent, acting in the name and on the behalf of his majesty, acquaints the House of Commons, that the sum of 58,000*l.* per annum, which, in the distribution of his majesty's civil list revenue, was appropriated to the maintenance of the establishment, and to the support of the honor and dignity of the queen, having, by the lamented demise of her majesty, become disposeable by his Royal Highness for the general purposes of the civil list, the Prince Regent places this sum at the disposal of parliament: he thinks it at the same time incumbent upon him to state, that there exist certain claims upon a part of this saving, which he recommends to the justice and liberality of the House of Commons: these claims are founded on the faithful services of the persons who formed the separate establishment of her late majesty, and are limited to those services.

"The Prince Regent is satisfied that he may confidently rely on the loyal attachment of the House of Commons to enable him, upon the reduction of that establishment, to grant to the several individuals belonging to it such allowances as it has been usual for the crown to bestow on former occasions, when the royal family has been visited with a similar affliction. *G. P. R.*"

Lord Castlereagh then moved an Address of thanks to his Royal Highness for his most gracious message, assuring his Royal Highness that the House would proceed to take the same into their immediate consideration. The motion was agreed to.

WINDSOR ESTABLISHMENT.] On the motion of lord Castlereagh, the following passage in the Lords Commissioners Speech at the opening of the session was read: viz. "In announcing to you the se-

vere calamity with which it has pleased Divine Providence to visit the Prince Regent, the royal family, and the nation, by the death of her majesty the queen of the united kingdom, his Royal Highness has commanded us to direct your attention to the consideration of such measures as this melancholy event has rendered necessary and expedient with respect to the care of his majesty's sacred person."

Lord *Castlereagh* then rose. He said, that the House having already expressed their deep and heartfelt condolence, in common with the nation, on the death of her late majesty, they had now to perform another part of their duty, by taking into consideration the measures which grew out of that event. As he had been absent on that former occasion, he should now take the opportunity of briefly expressing his sense of the services which her late majesty had rendered to the nation by the bright example which she had set during the fifty-seven years that she had shared the throne with her illustrious consort, of which the morals of the country would long feel the benefit. Her unaffected piety and purity of morals, and, above all, her unostentatious charity would long continue to operate on the habits of the community. It remained for him to state the measures which were rendered necessary by her majesty's demise. Those measures might be brought under two heads—1, The measures which were necessary to provide for the care of his majesty's person; and, 2. The disposition of the funds connected with the Windsor establishment, and the establishment of her late majesty. As to the first head, a bill had been brought down from the other House, and was now on the table for the 2nd reading, the effect of which was to appoint the duke of York custos of the king's person, in the room of her late majesty. As there was not a second opinion in the House and the country as to that appointment, he should not say any thing on that branch of the arrangement; for, so long as the principle was acknowledged, which he conceived to be founded in sound policy, that the executive government, and the care of the person of the monarch, should not be vested in the same person, there could be no other member of the royal family more fit for the latter duty than his royal highness the duke of York, or more likely to have been chosen by his majesty himself, were he in a situation to make a choice. He should now advert to the other part of the question; which naturally required more investigation on the part of the house, and which it would be necessary for him to be fuller in opening. He thought it his duty to apprize the House what course he should pursue, both with respect to the particular income of the queen, which formed the subject of the message which had been laid before them from the Prince Regent; and, secondly, with respect to those funds of 100,000*l.* a year, which had been appropriated to the Windsor establishment. His intention was, to propose to refer the whole subject eventually to a committee of the whole house, but as there were considerations of detail, which could not conveniently be discussed in a committee of the whole house, he should that night propose to nominate a select committee, to which the estimates might be referred; and on those estimates, the committee might report to the House; and a committee of the whole House might then take that report into consideration. It was therefore not his intention that night to take a vote in the merits of the question, but to delay doing so until the House had the report of the committee before them. He should now state what the nature of those proposals was which it would be his duty ultimately to submit to the House. It was not his intention to apply for any new grant of money. On the contrary, he should have to perform the more gratifying duty of applying to parliament to empower the executive government to divest itself of funds which were at present entrusted to its own disposal, and to render them available for the general purposes of the state. The first object was, to enable the crown to reduce the establishment at Windsor, in which it was provided that no reduction should be made without the sanction of parliament. The next was, to enable the crown to divest itself of a considerable fund placed at its disposal, as a part of the civil list, in order that that fund might be carried into the mass of the consolidated fund, or the general fund for the services of the country. As the law at present stood, it was provided that whatever saving took place in any branch of the civil list expenditure (except the third, which consisted of the payments made to foreign ministers) should be carried over to any other class of services in the civil list, under the warrant of the treasury. Thus if the Windsor establish-

ment were reduced, but for the interference of parliament, the savings under that head might be carried to the lord chamberlain's, the lord steward's, or any other branch of the royal expenditure. The same might be said of the 58,000*l.* per annum which her majesty enjoyed. But under the message from his royal highness the Prince Regent, the whole of the 58,000*l.* as well as whatever saving could be effected out of the 100,000*l* would be applicable to any other purpose. He hoped the House would receive this proceeding on the part of his Royal Highness as an earnest of his desire to co-operate with them in the reduction of expenditure. He trusted therefore that no gentlemen would seek for subjects of difference, if they saw, as he was persuaded they would, no unwillingness to make all necessary reductions, and that what had been taken away, and what had been suffered to remain, had not been regulated by favour or affection; but that the proceeding was founded on precedents, and on nothing else but a desire to perform a public duty. The sums which parliament had now to dispose of were 100,000*l.* which had been appropriated to the Windsor establishment; 58,000*l.* out of the civil list which had been appropriated to the maintenance of the queen; and 10,000*l.* which had been granted to her majesty to defray the additional expense to which she had been subjected in the discharge of her duty as custos of the king's person. This last sum he felt it his duty to propose should be continued to his royal highness the duke of York, as custos, and he was persuaded this arrangement could not be objected to with reference, either to the office or to the individual. His Royal Highness would be intrusted with considerable powers, and in order to ascertain that those under him fully discharged their duties, his presence at a distance from his residence would often be necessary. In short every reason that had induced parliament to grant that sum to the queen operated to warrant them in giving it also to the duke of York. Out of the remaining 158,000*l.* the house would wish to know what would be the saving. It was proposed that 50,000*l.* should be appropriated to the support of the Windsor establishment. The saving, therefore, would be 50,000*l.* on the Windsor establishment, and 58,000*l*, on the queen's establishment, but this last sum would be burthened with the salaries to the servants of her late majesty. These salaries were about 25,000*l.* so that the immediate saving on the two establishments was 83,000*l.*; the salaries were to be continued to the servants during their life; many of them were very old servants. When these annuities fell in, the ultimate saving would be 108,000*l* After the best consideration which the Prince Regent's ministers had been able to give to the subject, they did not think they should do their duty if they left a less sum for the Windsor establishment than 50,000*l*, a year. On this point, the most anxious, and industrious inquiries had been made by ministers, who had principally derived the information, on which they formed their judgment, from the secretary to the groom of the stole and master of the household, colonel Stephenson, to whose attention to economy, the gentlemen opposite him would do justice. It might be now asked, perhaps, if there could be a reduction made in the establishment at Windsor, why had it not been made earlier? This reduction had, indeed, been alluded to, but had never been substantially submitted to the house by any of the gentlemen who had mentioned the subject: and he was therefore warranted in saying, that they themselves must, on reconsidering the question, have felt the difficulties with which the proposal would have abounded. In fact the only question which could have been agitated as a question of economy, was, whether any reduction of the state servants of his majesty could take place: and their salaries in all, only amounted to about 6,000*l.* a year. It was manifest that during her majesty's life, no substantial saving could take place, for if any arrangement had been made to deprive her majesty of her state as queen consort, to reduce her to the state of queen dowager, parliament was bound to give her the sum of 100,000*l.* a year (to which she was legally entitled under her marriage settlement) instead of the 58,000*l.* which she then enjoyed. He felt that some explanation was due to the house and to the country, why he was prepared now to recommend a reduction which he should have opposed at any earlier period; why the Windsor establishment should now be placed upon a narrower basis than at the time when the regency was first under consideration, and when expectations, or perhaps, to speak more properly, hopes were indulged

that his majesty, by the restoration of his health, would be enabled, at no very distant period, to resume the reins of government. He was quite ready to allow that the probability was even then strongly against such a happy event; but the passage of a series of years, during which no alleviation had been felt, if it did not warrant despair, at least justified the House in pursuing a different course. At the former period, the object had been to take care, that should his majesty fortunately awake from his affliction, he might find himself surrounded by those individuals, and by that state to which he had previously been accustomed. Of course those considerations now lost much of their weight, although it had been seen that during the life of her majesty, gentlemen on the other side could not do their sense of propriety so much violence, as not to allow a consideration for her majesty's feelings to have its due influence on their conduct. The whole subject was, however, now open to the revision of parliament, whose duty it became to draw the line between what was due to public economy, and that sacred veneration which the inhabitants of the empire could never cease to feel for the person, character, and government of their sovereign, for whom their love and gratitude for so many benefits derived from him could never be extinguished. In fixing the limits of the establishment at Windsor, the ministers had been guided by the difference that had been usually made by his majesty himself, between his residence at Windsor and his residence in town. There were a certain number of officers, who were in the habit of going to Windsor, and others whom the king was not in the habit of sending for to that residence. The offices which had been ordered to be kept up about the person of the king, were, by the law of 1812, established so peremptorily, that the queen, as custos, had no alternative. It was mandatory on her to keep them up. The question however now offered itself in a different point of view; and it was therefore proposed to reduce the offices of the vice-chamberlain, the master of the robes, the four lords of the bed-chamber, and the four grooms of the bed-chamber. The salaries of these officers amounted to 5,993*l.* a year. The lords of the bed-chamber were not in the habit of going to Windsor, and they received, without disappointment, the notification that their offices would cease; but while they expressed their readiness to relinquish the emoluments of their offices, they also signified a wish still to retain the honorary appellation as a mark of the favour with which their sovereign had honoured them, and of their own affection. He did not apprehend that it would be disputed that it was fit that there should be an individual of high rank and responsibility at Windsor to act under the directions of the duke of York as custos; he therefore had to propose the continuance of the groom of the stole, who had so long administered the household during the life of the queen; the situation of colonel Stevenson ought also to be kept up; and the six equerries, the oldest servants of his majesty, and who had always been required at Windsor, ought also to be preserved round the person of their sovereign. It now only remained for him to call their attention to the distribution of the 50,000*l.* which was to be the charge of the establishment at Windsor. The salaries of the servants would amount to 17 or 18,000*l.*, and out of the remainder the other expenses attendant on his majesty's present condition would be defrayed. He should not now attempt to give the details, which would be referred to the committee which he had mentioned. With respect to the 58,000*l.*, the yearly sum which had supported the establishment of the queen, his royal highness the Prince Regent might have taken it to himself, defraying the salaries of the retired servants, and applying the saving to any other department of the civil list, but the feelings of his Royal Highness had prompted him rather to submit the whole to the disposal of parliament. In the proposal which he should hereafter have to offer as to the retired allowance of the queen's servants, attention had been paid to the precedent on the demise of queen Caroline. The precedent had been to allow the servants of the queen their full salaries during their lives. Though this might seem extravagant, it was to be recollected that the salaries formed but a limited part of the advantages derived from those offices. He should not enter into details, but as far as his inquiries had gone, he was inclined to believe, that of the emoluments of their situation, the salaries on the average did not exceed one-half. If this were taken into account, it would not be thought that in proposing to grant them all their salaries, he was at variance with those principles of economy which

had been sanctioned by parliament in regard to the retired allowances of other civil officers. There was a material distinction in the precedents between providing for the servants of a queen consort and of a king, on the demise of either: in the former case, the salaries of the various domestics had been uniformly continued for their lives, but in the latter case, no such indemnity had been allowed, nor was it thought necessary, because it was presumed that the larger number of the servants of the late king would be continued by the present. On this account his lordship did not feel authorized to propose any remuneration to such of the king's domestics whose aid was not now required, fearing that it might be drawn into an injurious precedent; but this distinction was to be taken, that the Regent was not now acting as the successor to the throne, but administering the functions of royalty, in consequence of the indisposition of his majesty; and that although his Royal Highness had taken several of the king's servants into his employment, some remained unemployed, for whom it was proposed to make provision without trenching upon the precedent already alluded to, and that was by acting upon the principle of the legislature in 1812, namely, by enabling the custos personæ to grant such provision to superannuated servants, or to the widows or families of those deceased, as his majesty in his benevolence and bounty would have been likely to allow had he been competent to act. Such a provision could not, he thought, be consistently objected to, for it would be recollected, that the legislature in 1812 recognized the principle that the privy purse was the private property of the sovereign, with the disposition of which parliament had no right to interfere. Of that property, indeed, if any surplus remained, the king had as much right to dispose of by will, or otherwise, as any private individual had as to his personal property. Therefore it was held, that as any part of the king's privy purse might be transferred to trustees, or disposed of in any manner in which his majesty might think proper, it belonged then to the house to consider, whether, in the same spirit of legislation which governed the parliament of 1812, it would enable the custos to do that which of right, according to that spirit, belonged to the king himself. The whole of the provision, for these servants would not, he could say, exceed 8, or 10,000*l.*; for such a sum he was confident that no one would be disposed to oppose the wishes of the king, and nothing, he was persuaded, would be more grateful to his majesty's feelings, than that his old faithful servants should, with their families, be guarded against the visitation of want.

Further explanations at present he held needless, especially as he should wish to interpose a committee before he called upon the house to decide; before that committee all the details might be minutely examined. Parliament was not called upon to make any grant, but to sanction a reduction. The question was extremely complicated—it was surrounded by difficulties and delicacies, and ministers had thought it much more decorous not to act upon their own discretion, but to call in a committee of the House to their assistance; the object was, to make a fair composition between economy and what was due to the dignity of the sovereign, even under the calamity by which he had been so long visited. He submitted the outline of the arrangement with the utmost confidence on the liberality and justice of the house. His lordship afterwards recapitulated the various points upon which he had touched—the propriety of allowing 50,000*l.* for the Windsor establishment—the right of her majesty to dower had she not been looked upon in the light of queen consort—the considerations that in 1812 had led the House to keep up all the offices of state in London and at Windsor—the propriety of abolishing the former, and of preserving the latter, and of reducing the number of menial servants—the justice of granting annuities to the servants of her late majesty—the fitness of taking into view the long services of the discharged domestics at Windsor—and the necessity of submitting the whole to a select committee, and concluded by expressing his confidence that the House would not object to the proposition which he had to submit to them, namely, the appointment of a select committee, to examine the details on the subject. It was probable that the report of that committee would be brought up in a few days, and he therefore gave notice, that on Thursday, he would move to submit that report to the consideration of a committee of the whole House. After the appointment of the select committee, it was his intention to move that the

various estimates respecting the necessary expenses of the Windsor establishment be referred to their consideration. His lordship then read the names of the hon. members of whom he proposed that the committee should be constituted; viz. lord Castlereagh, Mr. Tierney, the Chancellor of the Exchequer, Mr. Brougham, Mr. Bankes, lord G. Cavendish, Mr. Holford, lord Morpeth, Mr. Chaplin, Mr. Lamb, Mr. Blackburne, Mr. Williams Wynn, Mr. Huskisson, Mr. Stuart Wortley, Mr. Long, Mr. Wilberforce, Sir A. Piggott, Mr. Littleton, Mr. Vesey Fitzgerald, Admiral Sotheron and Mr. Solicitor General.

Mr. *Long Wellesley* fully agreed with the noble lord, that in the reductions which it might be necessary to make in the instance of the Windsor establishment, a principle should be observed different from those which should guide reductions on ordinary occasions. He freely admitted, that all the reductions on that establishment should be made on the most liberal principles. Not following the example which might be set in the case of any other individual, if he might use the expression, he conceived that no wish for reduction and retrenchment should operate so far as to deprive the august person of majesty of any thing which could in any degree contribute to his comfort and convenience in every respect. No disposition to economy should divest him of that state and splendor, however great might be his bodily afflictions, and however much these might render inert the capacity of enjoying them. It was necessary for the honour of the country, for the great respect due to royalty, that under every circumstance, a degree of splendor should surround the royal person; and therefore he fully agreed with the noble lord, that the reduction in the present instance should be more limited, than in other cases the state of the country required. But to express this concurrence with the noble lord was not the only purpose for which he rose: he had more than one object in addressing the house; he wished to ask the noble lord one or two questions. The noble lord had said, that the same salary which had been given to the queen, should now be given to the duke of York, for the care of the royal person. He did not conceive why this should be the case. If he remembered rightly, when this question was brought forward in 1812, the chancellor of the exchequer of that day stated, that the sum of 10,000*l.* was given to her majesty, because there was a probability that she would have to enter into several expenses beyond those which would attach to her as *custos personæ*, that her majesty was not likely to lead the same recluse life upon such an appointment as she had previously done, and that upon departing from her usual habit she must necessarily incur some additional expense. But now, without the assignment of any similar cause, it was stated that the same sum was to be given to his royal highness the duke of York. He was not then going to examine whether that sum was too much or too little; whether it should be 10,000*l.* or 12,000*l.*; he would not go into the question of pounds, shillings, and pence; but he wished to know, and he thought the country should know why different reasons should be assigned in 1812 and 1819 for the same act. If the sum was to be given to the royal duke as *custos personæ*, let it be so stated; but let it not be understood as given for any other purpose. He wished also to know, from the noble lord, whether if this situation were to be given to his royal highness the duke of York, it was intended to continue him in the high situation which he at present held as commander-in-chief. He was aware of the delicacy of this question? He was as ready as any man to admit the services which the duke of York had rendered to the army, and the honour which he had so justly derived from his conduct in the high station which he had so long occupied, but he confessed he did not think he would be performing the duty he owed as a member of that house, if he did not state, that in the present situation of the country, the time had arisen when a constitutional jealousy ought to be exercised, with respect to the powers which might become vested in the individual who held the chief command of the army; and though he did not want the fullest confidence in his royal highness, yet he was jealous of that principle which confided at once two such important trusts to the hands of any one individual as custos of the king's person and commander-in-chief of the army. He had risen to be informed upon these points, which he conceived to be important, and did not wish to trouble the house further; but there was one other part of the noble lord's speech upon which he wished to say a few words. It was, the proposed re-

duction of the Windsor establishment, and the saving by it of 83,000*l.* When it was considered that 50,000*l.* was the sum for the Windsor establishment, he thought the sum limited enough, and such as he was sure would be satisfactory to the country. If it was the commencement of a system of reduction on the part of the government, he should hail it with joy, and he was satisfied it would be received with real pleasuse by the country; but if it was intended that the principle of economy should be confined to the Windsor establishment alone, if no other reductions of our expenditure were to be made, then he should say that this much of economy would not, and ought not, to satisfy the country; and as far as one individual could go would not satisfy him. Perhaps he was out of order in thus digressing from the immediate question before the house, but he could not refrain from expressing his opinion of the urgent necessity of general economy in every branch, as well as that in which it was now proposed. An hon. gentleman, on the other side had stated a few evenings back, that he had brought with him to the House a stock of common sense and common honesty. He did not dispute the possession of either of those qualifications in that hon. member; and for himself, he should say, that he would not compete with that hon. gentleman in common sense, and he had no peculiar pretensions to common honesty. He did not, indeed, pretend to any material distinction above the mass of mankind, either in intellect or principle, but he would undertake to say, that the hon. gentleman alluded to, for whom he had great personal respect, or any other gentleman, was mistaken if he supposed that integrity was to be found only in a particular part of the House. For himself he would say, that without assuming any superiority of intellect, or any peculiar purity of principle, he was as ready as any man to support every advisable measure of public economy.

Lord *Castlereagh*, in explanation, said, that if in mentioning the reduction which was proposed in one branch, the hon. member was satisfied that there was economy, he did not think he ought to call for all that ministers intended to do in following up that principle, nor did he think ministers were bound to make such explanation, when the subject before the House was only connected with one particular branch. As to the 10,000*l.*, it had not been given to the queen, because her habits of life had been altered by becoming *custos personæ*, but for the general purpose of covering those extra expenses which she had to incur in that character. The same principle had been followed up in the intention of bestowing the like sum of 10,000*l.* to his royal highness the duke of York. With regard to the other observation respecting the royal duke holding two such important trusts, he was surprised that the hon. gentleman could require or expect an answer. He was not aware of any thing which should prevent his royal highness, as commander in chief of the army, from accepting the care of his royal father's person; and he was certain that he could not convey more melancholy tidings to the House and the country than that it should be necessary, from any cause, to remove his royal highness from the command of the army. To the vigilant superintendance of his royal highness both of the general discipline of the British army and of the personal comfort of every man composing it, that army was in a great measure indebted for its eminent character not only in the eyes of this country, but in those of all Europe.

Mr. *L. Wellesley* disclaimed the slightest intention of expressing any disrespect for his royal highness the duke of York, for whom he felt the utmost deference, knowing his royal highness, as he did, to present a signal example of eminent virtue in a great prince.

Mr. *Tierney* was glad that this question was brought before the House in so satisfactory a manner—satisfactory, because it did not call for immediate decision, and because its final issue would be the result of the most diligent and minute deliberation. In the observations he had to make, it was not his intention to follow the noble lord in the view which he took of the subject before the House. The noble lord seemed to think the proposed reduction, as it was termed, to be a voluntary offer of economy on the part of the government. He (Mr. Tierney), on the contrary, viewed it as a necessary consequence of circumstances which had lately occurred. He took it in this way—By the death of her majesty a great part of the Windsor establishment was done away with, and the House were called upon to see at what expense the subsequent arrangements in that department could be made, for the money so spared to the country was the property of the public, and it was the

province of the House, and of that alone, to decide how it was to be disposed of. This sum was not, as seemed to be considered, a windfall, a part of which might be given or retained, at the pleasure of the government. The House on looking at it should consider that it was a sum which had necessarily fallen back to them —the cause for which it had been granted having ceased to exist. In considering it, therefore, he should first look to the measure of economy, and inquire about the expense after. In discussing this question he was anxious to treat it with all that gravity and decorum which its nature and importance demanded, and would therefore look back as little as possible to circumstances which, if adverted to, he could not commend. But there was one subject of past transactions which he could not possibly omit to notice: he could not shut out from his recollection the appointment of 4 lords and 4 grooms of the bed-chamber, by the very individuals who now came forward to say they were a useless burthen upon the public. Here, according to ministers own showing —for he would not imply it from any construction which others might put upon their conduct—they had continued a burthen upon the country for seven years, which they now declared to have been unnecessary from the first. If it were necessary, at the former period to have those attendants upon the person of the king, why give them up at present, for the same cause still existed for them? His majesty was unfortunately in the same situation now as at that period. But if not necessary, why continue them for seven years? Here, according to the present avowal of ministers, there was a sum of 42,000*l.* lost; and if ever there was any one sum in this era of useless expenditure which might be said to be thrown away, it was the sum which he had just now mentioned. He remembered very well, and he trusted the House recollected it also, that when the continuance of those lords and grooms was proposed in 1812, he opposed them. He stated the expense as too great; but great or small, he contended that it was unnecessary. At that time it was objected to him, that his opposition was invidious, that the attendance of these lords and grooms of the chamber was necessary to support that splendor which should attend the royal person, and that a saving by dispensing with them would be an insult to the sacred person of the king in his then affliction: but now how did the case stand? After all the obloquy which had been heaped upon him for his objections—and that he had met no small share of it, no man could deny—after all that had been said about his motives in that opposition, it at length turned out that he was right, and his majesty's ministers wrong. It turned out that these lords and grooms were unnecessary—that the expense attending them was useless—and his majesty's ministers themselves were the very individuals who came forward to avow it. It was said that those lords and grooms had been long and faithful servants of his majesty, and they ought not to be separated from him. Why, his majesty unfortunately could not any longer derive any pleasure or comfort in any one way from their attendance. And yet they were continued and paid, when he could neither see, nor hear, nor enter into conversation with them. But for their future attendance it was said they were not to have any pay. They were capable of serving as effectually now as then; and how was it that they should have been paid in 1812, and ever since, when it ought to be presumed they had the same anxiety to serve their royal master without remuneration? When, in 1812, an establishment was proposed for the Prince Regent, a number of lords and grooms of the bed-chamber were of course to be provided, and it was suggested that the four lords and grooms who attended the king might also in turn attend the prince. This was objected to. It was said that they were old and faithful servants of the king, and that they ought not to be separated from his majesty. They were therefore—these four lords and grooms—sent down to Windsor, where they were not wanted, in order to attend once a week, or once a month, for an hour of a Sunday, and exhibit a bulletin. But what was the fact? These old and faithful servants, and faithful servants he would admit them to be, were sent there to make room for new ones; to give room for fresh patronage in the formation of the new establishment for the prince. So then, after all the flourish about old servants, and of what his majesty would wish to have done, had he been capable of judging; of his wish to keep those still near him who had long been so, it turned out, that the only object in continuing them at that time was, to make an opening for new

friends; and even that now they were about to be deprived of the emolument which they had so long enjoyed, not one of them was chosen to fill up a vacancy in another situation which could not be called unnecessary! He was persuaded that were his majesty competent to comprehend this arrangement, nothing would be likely to mortify his wishes more, than to have his oldest servants and favourites thus illiberally treated. But how was this treatment to be regarded by any friend to justice, when the recent conduct of ministers was considered? Since the queen's death a vacancy had occurred among the lords of the bedchamber attending the prince regent, and instead of appointing one of the old lords, to whom he had alluded, to fill that vacancy, the appointment was granted to a new adherent of the minister. Was this proceeding fair or liberal? He would dismiss that part of the question, and come to another. With respect to the sum of 10,000*l.* to be given to the duke of York, he should say, that any extra expense to which his royal highness might be put in the care of his majesty, ought most undoubtedly to be defrayed by the public, be the sum great or small; but as it was very fairly put by the hon. gentleman on the other side, if that sum be necessary, let it be shown how it was so,—let the house be informed what that sum was for, and how it was to be expended. The hon. gentleman had stated that which was the fact, when he said, that in 1812, on the proposition of the sum of 10,000*l.* to the queen, the chancellor of the exchequer declared that a great part of it would go to make good certain family expenses which she would be put to: that she could not always be supposed to wish to reside in Windsor, and that as queen consort she would be at many additional expenses, which, under other circumstances, she would not have to incur in the custody of the king's person. He was not satisfied that it was not too much! but it was voted to her majesty, and it would be but fair to ask how it had been applied, and what had become of it. If the same grant were shown to be necessary for the duke of York, he should be ready to accede to it, thinking his royal highness, as he did, the fittest person that could be selected to superintend the care of his father's person. Let its necessity be proved, and he had no objection. His opinion was the same with respect to all the other items of expenditure which it might be necessary to incur with respect to the king. He would say, show me that this, that, or the other expense could contribute, in any one way, in the slightest degree, to his majesty's comfort or convenience; that it could serve even to gratify that caprice, or humour any puerile whim, to which his unfortunate state rendered him subject: if that could be made out, he would not hesitate to give to his sovereign not only 10,000*l.* but 500,000*l.* a year. But then, in the discharge of that duty which he owed the public, he would not consent to vote a single shilling which was not within the range of that principle. Let the noble lord lay before the house, not merely the sums which were said to be required, but something like the particulars of what they were for, and then it would not be difficult to come to a right understanding; but while they were wrapped up in 100,000*l.* and 50,000*l.* and 108,000*l.* it would be impossible to know any thing farther about them than that these large sums were asked for purposes not fully explained. There was, for instance, the sum of 50,000*l.*, which was said to be for the Windsor establishment;—now that was the very thing he wished to have explained. How was it necessary? For his part he could not conceive how it was to be expended. Fifty thousand pounds for the establishment at Windsor, for the support of his majesty in his present unhappy state! To whom and for what particular use, connected with the due and dignified support of the king, was this sum to be given? His majesty, it was too well known, was incapable of even ordinary enjoyments. He could not, if he were rightly informed, speak or be spoken to; and indeed the necessary measures which were taken for the preservation of his health, and, if possible, the cure of his malady, rendered such a seclusion from every thing like conversation absolutely essential. His regimen was, from the same cause, so very plain, that the tenth of 50,000*l* would be much more than sufficient to supply it, with all the necessary forms of attendance. Then how was the sum of 50,000*l.* to be expended? But the noble lord would say, that it would come out in the committee. He had no objection to the committee—he was thankful for it, but it was not to the economical dispositions of ministers he owed those thanks. He owed them to the general election—to the manner in which

the returning officers were occupied at the late election, to the returns which they were called upon to make, and to those dispositions on the subject of economy which were then evinced by the people. Ministers did not come forward with the tone of confidence which they were, not long since, in the habit of assuming, and offer to take the responsibility of this measure upon themselves, without any previous inquiry. Their tone was changed, but their disposition still remained. For they proposed a scale of expenditure, for which it was in his view quite impossible to imagine any just necessity. If the noble lord would show that such expense was really necessary, he would be among the first to accede to it. Who were they who were to reside at Windsor? and for whose accommodation such expenses could be required? If it were desired to provide only for the personal comfort and accommodation of the king, a comparatively small sum indeed would be amply sufficient. Was it meant that the duke of York was to reside at Windsor? If so, he should know what to say to that. But it was said that some one of consideration should reside at Windsor, to receive the counsel, who occasionally meet there to receive reports as to the state of the king's health. The noble lord had observed that some great nobleman should be stationed there for that purpose. Well, be it so; and any additional expense that might be necessary for that purpose he would agree to, as such attendance would be fitting the dignity of the king; for he would not have his majesty, on such occasions, waited upon by a mere *maître d'hotel*. He would not, indeed, leave him wholly on such occasions, even to colonel Stephenson, much and justly as that individual was respected. But in the name of common sense, what occasion could there be for the attendance of the six equerries, whom the noble lord had mentioned? Of what use could they be? To give a bulletin once a month in their turn; but surely that could not require the attendance of six gentlemen, and the expense of supporting their tables. This question of supporting a certain number of tables would no doubt be urged. The table of the king could not, in the way he lived, cost more than a few hundred pounds; and the tables of those who were to attend him, when the attendance of one-fourth of them was unnecessary, was now to swallow up the immense sum which had been named. He did not say that the attendance of a nobleman ought to be dispensed with, for he admitted that some such man of rank should attend to see that the servants did their duty in a proper manner; but then he could not see why such nobleman should have six equerries under him. He did not mean to say that the noble lord could not make out the case in the committee; but until it was clearly made out to him that such a vast expense was necessary, he should oppose it. The noble lord had spoken of the privy purse, and said that it was the private property of the king; that he (Mr. T.) most distinctly denied. The arrangement, indeed, at the commencement of the king's reign was contradictory to such an assertion. According to that arrangement his majesty was granted a privy purse of 50,000*l.* a year, which grant was afterwards augmented to 60,000*l.* But for what purpose was that grant made?—Why, to gratify his majesty's disposition to beneficence—to perform acts of grace—to assist a favourite child, or privately to relieve the distress of some noble family, which, however severe its necessities, could not possibly appeal to public charity. The privy purse was granted, he would maintain, for purposes of that nature, and not to be converted into private property. It was granted not to be saved, but to be spent in deeds of benevolence and charity. The sum was granted, not because the man was liked more or less, but because he was a sovereign prince, and in no other capacity could he use it. His royal highness the Prince Regent, who was acting as the sovereign prince of this country, had an equal sum of 60,000*l.* a year granted to him in 1812; and the country was burdened by the unfortunate calamity of the king, with an expense for privy purses alone, of 120,000*l.* He contended, that as this sum was only given to the sovereign of the country in his character as such, the moment it ceased to be used in that character, it reverted back to the public; for it would not be maintained, that the Prince Regent would, in any other capacity than as the reigning, or the representative of the reigning sovereign, have got an annual grant of 60,000*l.* at his disposal without any control; neither would the king, but as such; and then he maintained that only one 60,000*l.* should be considered private property,

as only one person could be called a reigning prince at the same time in the country. Yet in 1812, 10,000*l.* a year in addition was granted to her majesty. Now he submitted, that if the same sum were deemed necessary to defray the expense of the duke of York upon his new appointment, that sum should rather be paid out of the privy purse, than saddled upon the country. The physicians were, it appeared, to be paid out of the proposed grant, and to that part of the proposition he could, of course, feel no objection. He next came to the proposed remuneration to be granted to retired servants of his majesty out of the privy purse. On this head it was asserted, that the proceeding was founded on the presumed wishes of the sovereign, and what he would have most probably himself done, if enabled to exercise a discretion. Who could say in what way, or in favour of what particular person, his majesty would exercise that discretion? What man upon earth could decide whom it would please his majesty thus to remunerate? Even if the sovereign felt such a disposition towards one servant at one period of his life, who could say that such a disposition would have remained unaltered? It was too much to contend, that independently of those persons whom his majesty had been in the habit of rewarding, it was certain that he would, had he regained his health, have rewarded others, and upon this presumption to found their title to a provision by parliament. A thousand such cases might have occurred, but it was beyond the wit of man to select them now. They were at present considering things as they stood in the natural course of the establishment, and there was no pretence for contending that such allowances should be take from the privy purse. To the maintaining of all that had been done by the king himself he had not the slightest objection. Next, as to the remuneration to the physicians. On that point the noble lord had not given any explanation. It was stated to be 32,000*l.* per annum. That he believed to be an over-statement, the amount being, he believed, 28,000*l.* Such a sum as that must strike every man as enormous. It was, therefore, but justice to explain it. If, in what he was about to state, the noble lord conceived there was any indelicacy, he had only to express in any manner such a feeling, and he would not persevere. His desire was only to give a reason why he would not press any objection to a charge which at first view must strike every person as enormous. He had then been given to understand, that when his majesty was unhappily visited with the affliction under which he laboured, and was about to be committed to the care of physicians, he had made it his most earnest prayer to the illustrious personage, standing in the nearest relation to him, that he never should be exclusively placed under the care of physicians of a certain description, to whom patients in his majesty's condition were consigned, without having always in attendance one out of three other physicians, whom he particularly named. That promise he obtained from her late most excellent majesty, and it was by her most religiously kept. That promise being once made, it was his opinion should, under all circumstances, be most sacred. If the consciousness of such a disposition could in any degree alleviate the sufferings of his affliction, to remove it would be a most barbarous act. But, as one of those physicians, during the day, would be sufficient for the purpose, he was disposed to think some medium might be struck out, from whence a considerable saving might be derived to the country.—On what had fallen from the noble lord, relative to the remuneration to the servants of her late majesty, he felt himself much in the dark. They were to have the whole of their salaries during their lives; but, added the noble lord, that was but the half of what they before got.—He never knew that fact before. So that these servants, when the country supposed they had salaries of but 500*l.* per annum, were actually receiving 1,000*l.* If that was the case, one would suppose that they had already received full remuneration for the whole of their deserts. They had been paid beforehand too, and the country had a claim upon them for the interest. Still, if it were the common practice on the demise of the queen to continue such salaries for life, he was not disposed to object to it on this occasion. He had heard, that the practice was, to give the salaries for life to the female servants; but he never understood the rule was applied to male servants. Nevertheless, it was contended, that the whole charge ought to remain—a truth, if it were one, for which he was sorry, as it would cost the country 25,000*l.* a year. He had no wish to detract from the real splendor and dignity of the crown, and he would not oppose this regulation, if it

should appear to be in conformity with old and established usage. His observation went no farther than to state, that where a saving was practicable it ought to be carried into effect: as he was ready on the one hand to make sacrifices for supporting the accustomed dignity of the crown, so he was anxious to secure the benefits of practicable economy for the people. As strongly attached as any man to the House of Brunswick, he was disposed to grant every proper and becoming splendor to the royal family, always measuring that disposition by strict justice to the public interest. But, while he felt so, he could not but express the conviction, that an establishment of 50,000*l.* per annum for the king, in his present unhappy situation, was unnecessary.—And here he must dissent from the manner in which the noble lord viewed the question. It was not to be considered, as the noble lord conceived, as a question upon which parliament was to inquire how much was to be saved? The duty of the House was to consider what was to be expended. To the comforts of the king, and to as much dignity as it could be supposed was necessary in his affliction, he would willingly consent. He was distinctly in favour of maintaining some establishment at Windsor, because he should regret to see a venerable and beloved monarch, reduced, in his affliction, to reside in a palace not his own. He should be sorry indeed to see him in the condition of a lodger. He thought his establishment should have a nobleman of rank at its head, and that one or two equerries should be in attendance to receive the visits of distinguished foreigners who might desire to see Windsor Castle. But an establishment on any larger scale, an establishment incumbered with five or six equerries, went beyond whatever conceptions he could form of propriety. The noble lord might hereafter explain his views, so as to remove these objections; but unless the scruples with which they at present filled him could be satisfied, he must feel it his duty to negative the proposition. He was aware that the subject was one of great delicacy. For himself, he could have no other object than to honestly discharge the duty he owed to his aged and infirm sovereign, not forgetting, at the same time, what was due to the wants of the country. With respect to the sum of 10,000*l.* to his royal highness the Duke of York, if it was necessary, it should be granted: but it ought most unquestionably to be charged on the privy purse.

Mr. *Canning* expressed his confidence, that the admissions of the right hon. gentleman, if acted upon frankly, and in the spirit in which they professed to be made (and he did not doubt that they would be so), would bring him and his noble friend much nearer in their opinions and views of the subject, than the right hon. gentleman at present perhaps supposed. His noble friend had specifically stated, that the various estimates would be laid before the select committee. That information therefore, the absence of which had been regretted by the right hon. gentleman would be supplied. The House were not called upon to vote for the appointment of the committee with any pledge to approve of those estimates. The committee would have the opportunity of examining them in detail. The right hon. gentleman had, however, urged two or three objections to the proposition of his noble friend, to which he (Mr. Canning) felt himself competent to give an answer, without touching on any of those parts of the question which would be better reserved for the investigation of the committee. He should apply himself first to that part of the speech of the right hon. gentleman which came last in order, namely, his remarks on the continuance for life of the salaries of her late majesty's household. He could assure the right hon. gentleman, that the present proposition was copied exactly from two distinct precedents. In the case of the demise of queen Caroline, and in that of the princess dowager of Wales (which thought strictly a case of a demise of a queen; *à fortiori* a justification of the present proposition) all the officers and domestics of those illustrious personages, retained on their full salaries. The right hon. gentleman had expressed some surprise at the statement of his noble friend; that salary constituted but half the real emoluments of such situations. The meaning of his noble friend was, that when the amount of advantages derived from the use of apartments, table, carriages, and other conveniences were taken into account, they were found to constitute in many instances, the most valuable part of the emoluments of such situations, especially in the female part of the establishment; these of course entirely ceased, with all attendance. It would be evident, therefore, that the bare salaries on which

individuals in question retired, although continued in full would not amount to more than a part, it might fairly be said to more than one half of the advantages which they enjoyed during their attendance on her majesty. As however the right hon. gentleman had expressed his willingness to conform to what had been the established practice, his acquiescence in that part of his noble friend's proposition might be considered as secure. With respect to the privy purse, the right hon. gentleman seemed to him to be under a complete mistake in his objection to its being considered as the private property of the king. It was a question which was no longer a matter of debate. It was unnecessary to enter into details and arguments on a subject which had been settled by act of parliament in 1812. After reading that act, he should be very much astonished if any hon. gentleman would subscribe to the opinion of the right hon. gentleman, that the privy purse was other than the property of the king. By a clause in the act of 1812 (the last act passed upon the subject; but by no means the only one which affected it), it was provided that the trustees of his majesty's privy purse and private property should be empowered to receive the profits and dividends of such property, to be laid out by them in the purchase of other lands, for and on behalf of his majesty; and to preserve the same, with the profits accruing, for the sole use and behoof of his majesty. This clause further provided that in case no disposition should be made by his majesty of the same by will, the whole of the property so undisposed of should be distributed according as it would have gone by law, had no such act been passed. The words of the act of parliament were as strong as the English language could make them in considering this as his majesty's private property. Unquestionably, it was open to the right hon. gentleman to move for a repeal of that act; but such a question was very different from that which was then in discussion. The House must conform to the existing decisions of parliament, until such a repeal was effected; until that took place, the accumulations of the privy purse, could be considered in no other light than as his majesty's private property. It was undoubtedly true that by that act certain other burthens had been imposed on the privy purse. It had been provided that, that as, during the soundness of mind of his majesty, rewards had been granted by his majesty, in pensions to his faithful servants who had grown old in his service; so claims of other servants, disabled by age or infirmity subsequently to the passing of the act, should under responsibility of the custos of his majesty's person, be in like manner remunerated. The case of the persons now to be thrown out of this high service by the reduction of this establishment were precisely *ejusdem generis* except indeed that they were perhaps even more peculiarly interesting. They had not been deprived of their places by their own disability, or by the stroke of death, consigning their royal master to the grave; but they were prematurely cut off by the act of the law; and hence it was but just that a compensation should be provided by law, which in case of their own disability, or of their royal master's death, there was every reason to presume would have been made to them. As the act in question therefore had authorized the queen as *custos* to direct the trustees to put certain persons on the pension list, as cases should occur; so it might be but reasonable that the act now to be brought in, should confer a similar power on the new custos with respect to the persons dismissed, as well as to those who might have grown old in the king's service. The right hon. gentleman objected to the proposed grant to his royal highness the duke of York as custos of his majesty's person. On the present, as on every other occasion, the conduct of his Royal Highness was worthy of his high station, and of the rank which he held in the public esteem. Whether the proposition for making a specific allowance to his Royal Highness was right or wrong, it was but justice to that illustrious person to say that he was not responsible for the suggestion. It was evident from the bill which had come down to that House from the House of Lords, that he had undertaken the duties of the office without stipulation. It was in the power of the House of Commons, therefore, to impose on his Royal Highness, now that he had accepted the office, all the painful duties and burthens attached to it without any remuneration; that was not the fit word; without any indemnification whatever. It was impossible that his Royal Highness should not be subjected to extraordinary expenses in the new course of duties which this trust imposed on him. Whether the proposed sum was or was not too large, might be a question for the

‡

consideration of the committee above stairs; and if it should not appear to be excessive, the right hon. gentleman had intimated that he should not be disposed to object to it. Indeed he believed that in that committee the right hon. gentleman's mind, if not entirely converted to his noble friend's views of the various parts of the subject, would be very nearly approximated to them. The only other point which it appeared necessary to advert to in that stage of the discussion was, the assumption of the right hon. gentleman that the whole of the funds in question, that is of the 100,000*l.* granted by parliament for the support of the Windsor establishment were entirely at the discretion, and in the disposal of the House, and that they ought not to look to what they could save, but were at liberty to consider how much it might be proper to expend. Though they might on both sides of the House arrive at the same object, yet he (Mr. Canning) begged to say that they started from opposite points. Instead of having an establishment to build, as seemed to be the supposition of the right hon. gentleman, there was an establishment already constructed by law. The question therefore was, not how much it was necessary to expend in an establishment yet to be created, but how much it might be proper and expedient to deduct from an establishment already existing. The House were not that night to commence *de novo* the discussion of all those painful subjects which engaged their attention some years past. There was a great practical difference though the right hon. gentleman did not seem to recollect it, between the two cases. The act of parliament had settled the establishment as it existed. Were the House pursuing too far the suggestions of economy, to make a niggardly and unfeeling retrenchment, that arrangement might experience rejection elsewhere, and what would be the consequence? That as in cases where this House is originating a grant, the grant would be void if not accepted elsewhere, with all the conditions which the House of Commons might have annexed to it? No. The legal establishment would then continue undiminished, and all hopes of reducing expense would be frustrated. The sum of 50,000*l.* did not appear to him as it did to the right hon. gentleman to be excessive. All however, that was required at present, was, that the estimates which after the fullest deliberation had been submitted to the House by his majesty's ministers, should be examined by the committee. He had then little doubt that the right hon. gentleman with those feelings on the subject, for the sincerity of which he gave him full credit, would modify or retract his opinions, and see reason to conclude that while the estimates were framed with a due recollection of the dignity, the claims, and the virtues of him for whom they were providing, there was no disposition to overlook either the interest or the feelings of the public.

Mr. *Tierney*, in explanation, said, he well knew the provisions of the act of 1812; and in adding that he was ready to repeal it, he expected to have the noble lord for his seconder. The noble lord himself was about to repeal it to a certain extent. All that he meant by the observation of the funds in question being in possession of the House was, that it was now before them practically to apply them as justice or necessity should require. He was certainly disposed to act liberally towards the duke of York, and only wished to see some general scale upon which the allowance in question might be regulated. If 10,000*l.* a year should appear to be a proper sum, he considered that in fixing it upon the privy purse, it would only be doing that which the king himself, in a lucid interval, would do, for the sake of being placed under his royal highness's care. With regard to the accumulation of the privy purse being the king's private property, and his being enabled to dispose of it as such, he knew that this had been so declared by an act passed in 1798; but passed without any contemplation of the calamity which had afterwards fallen on his majesty.

Mr. *Canning* observed, that he had misunderstood the right hon. gentleman, who, he thought, had meant to contend, that the privy purse ceased to be the king's private property with the cessation of the exercise of his political capacity. The last act of parliament had, however, recognised the existence of this private property, when the exercise of the political capacity had actually ceased.

It was then agreed, that the Prince Regent's Message be referred to a committee of the whole House on the 11th instant, and that the Royal Establishments be referred to a select committee.

HOUSE OF LORDS.

Friday, February 5.

THE PRINCE REGENT'S MESSAGE RE-

SPECTING HER LATE MAJESTY'S ESTABLISHMENT.] The order of the day being read,

The Earl of *Liverpool* rose to move an humble address to his royal highness the Prince Regent, thanking him for his most gracious message; in doing which he should briefly state the nature and character of the particular fund to which the message referred, and which, by the lamented demise of her majesty, had now lapsed to the Prince Regent, for the general purposes of the civil list, and in what manner it was thought advisable to apply it. Their lordships were aware that 58,000*l.* was the sum allotted out of the civil list to her late majesty, for the maintenance of her establishment. This sum did not fall in to the public on the demise of the queen; but in consequence of the late act for the distribution and arrangement of the civil list, it fell to be disposable by the Prince Regent, who might apply it in aid of other branches of the civil list. The branches to which it might be applied were those of the lord chamberlain, the lord steward, and the master of the horse. The only purpose to which his Royal Highness would have particularly wished to apply part of the sum lapsed, was one from which he was precluded, namely, that of continuing the salaries of the persons employed in her late majesty's establishment. This was an application which he could not make, in consequence of the limitation of the pension list, the utmost extent of which, as now fixed by law, was 90,000*l.* Had it not been for this limitation, his Royal Highness would on this occasion, following the example of his predecessors, and particularly of the precedent established by the arrangement on the death of the consort of George 2nd, have granted pensions to all the servants of her late majesty. His Royal Highness had, however, thought fit to place the whole sum of 58,000*l.* at the disposal of parliament, and only asked their lordships to do that out of justice to the servants of her late majesty's establishment which had been done in all former cases of the demise of the queen. The persons who possessed this strong claim to their lordships' consideration had most of them served her majesty for a long series of years; but when it was proposed to continue to them their salaries, their lordships would be greatly deceived were they to suppose that such a grant would leave these individuals in the same situation in which they stood before the decease of her majesty. In fact, they had the benefit of various advantages and allowances which were fully equal to their nominal salaries. It was estimated that 25,000*l.* would be adequate to the amount of the salaries. Supposing, therefore, that their lordships should be disposed, as he had no doubt they would be, to grant that sum for the servants, there would then remain 33,000*l.* immediately at the disposal of the public. In making this disposition of the sum which had hitherto been allotted to her majesty's separate maintenance, their lordships, he was sensible, would act consistently with their feelings towards the public and towards individuals. They would not fail to be impressed with those sentiments which the act of his Royal Highness, in relinquishing all claim to this fund, and the justice he was so anxious to see done to those individuals who had claims on it for past services, were calculated to produce. It was not possible that any of their lordships could be disposed to resist an act which was in itself one of liberality and justice, and which had been performed on all similar occasions; and under that conviction he should now move, that an humble address be presented to his royal highness the Prince Regent, thanking his Royal Highness for his gracious communication, and assuring his Royal Highness, that their lordships would not fail to pay due attention to the claims recommended by his Royal Highness to their notice.

The Marquis of *Lansdowne* said, he had no objection to offer to the general object of the address, and was willing to concur in it, on account of the practical application of the fund in question, which he fully approved. It was, therefore, with no spirit of quibbling that he should state an objection which occurred to him on the principle laid down in the message of the Prince Regent, and re-asserted in the address as moved by the noble earl. The message stated, that the 58,000*l.* per annum allotted to the maintenance of the queen's establishment, had, in consequence of the demise of her majesty, become disposable by the Prince Regent to the purposes of the civil list. He felt less reluctance in stating his disagreement with the assertion thus made, as the proposed application of the money was one on which there could be no difference of opinion whatever. As to the power implied by the message, of

the king or his ministers, to take one head of the civil list, when the reason of maintaining that expense no longer existed, and apply it to any other purposes of the civil list, he held it to be an assertion totally inconsistent with the spirit, if not with the letter, of the act for the regulation of the civil list, which was passed two or three years ago. Their lordships would recollect, that the civil list was so regulated, or meant to be so regulated, by the act to which he had alluded, as to remove every thing uncertain or fluctuating from that branch of the public service. In order to attain this object, every head was voted on estimate. The demands for the maintenance of her majesty and her servants formed part of the estimates on which the sums were voted: there appeared, therefore, no reason for saying, that a sum which had been appropriated to one branch of the civil list, should, in the case of the ground on which it was granted ceasing, become applicable to other branches. It was true that by the act, part of the sum allowed for one branch, if any part could be spared, might be applied to another branch; but the appropriation of the whole amount of one head of the civil list was a very different thing from the disposal of the economical savings of one branch to another which might require such aid. Let it be considered for a moment to what an extent this principle might be carried, and their lordships would perceive its mischievous consequences. It might with equal justice be asserted, that the allowances which had been granted to the various members of the royal family should fall to the disposal of the king and his ministers, on the death of the illustrious persons to whom the allowances had been granted. Their lordships, he thought, must be sensible, that the assertion contained in the message was inconsistent with the act of parliament. After consulting the act that morning, he confessed that he had some doubt whether it was directly contrary to its letter, but he was confident that it was hostile to its spirit and object. If, however, it should be found that the message was in this respect consistent with the letter of the act, that ought to be a reason for their lordships altering it; but not for their concurring in the assertion of the message. With respect to the application of the 58,000*l.*, as proposed by the message, no person felt more strongly than he did the propriety of that application. He had hoped the noble earl would have given their lordships some information on the arrangements intended, with respect to another establishment in some measure connected with the present; but as the noble earl had not thought fit to do so, and as their lordships' attention was not called to it by the message, he should abstain from saying any thing on the subject. He was the more readily disposed to adopt this course, as he understood that the subject was before the other House; and he trusted that when the establishment had undergone the full consideration of the legislature, it would be placed in that state which would correspond with a due regard to the public interest and the dignity of the crown.

The Earl of *Liverpool* concurred in the hope which the noble marquis had just expressed. He had felt that he was not called upon to say any thing on the subject alluded to, as it was not referred to in the message. Their lordships must be aware, from the votes of the other House, that it was under consideration. When it came regularly before their lordships, he should feel it his duty to give such explanations as the occasion might appear to him to require. With regard to the question immediately under consideration, he was of opinion, that their lordships could have no hesitation in adopting the principle laid down in the message respecting the power of the Prince Regent in the disposal of the 58,000*l.* The assertion in the message was supported by the legal opinions taken on the act, which made the savings of several branches of the civil list disposable for other branches. It was perfectly reasonable to infer, that the whole of the sum granted for a particular branch might be so disposable; and this inference was confirmed by the words of the act, which made an exception in the case of ambassadors. There was no such exception made with respect to the queen's establishment, which, on her majesty's demise, was therefore disposeable by the Prince Regent to the purposes of the civil list. What the noble marquis had said with respect to the allowances voted to the other branches of the royal family, could form no argument in this case; for these allowances were granted out of the consolidated fund, with the express understanding, that the sums should revert to the public on the decease of the illustrious persons to whom they had been voted. Having stated the grounds on

which the principle laid down in the message was supported by the act of parliament, he had to add that it never was his intention to take any unfair advantage of the state of the law. It appeared unquestionable, that whether the principle was right or wrong, the Prince Regent was, according to the act, entitled to the disposal of the sum hitherto applied to the queen's establishment; but in advising the exercise of the prerogative, he had at the same time felt it to be his duty to advise that distribution of the 58,000*l.* which was recommended in the message. He had therefore no doubt that their lordships would concur in the address which he had moved.

The address was then agreed to *nem. diss.*

HOUSE OF COMMONS.

Friday, February 5.

Mr. Brougham moved a new writ for a member to serve in parliament for the city of Westminster in the room of sir Samuel Romilly deceased.

Fowey Election Petition.] Mr. Holmes presented a petition from Richard Cotton Mould, praying that further time should be afforded him for entering into his recognizance. The petition having been read,

The *Speaker* observed, that a case similar to this had not before arisen. Indeed it was not possible, because the act of parliament out of which it grew, took its date subsequent to the last general election. That act described the time when notice of the party being ready to produce sureties, ought to be given; and the present petition prayed for further time to effect that object. By the law, as it at present stood, the House could enlarge the time for entering into recognizances, but not for a longer period than thirty days from the time of presenting the original petition. That enlargement could only be granted, on the statement contained in the petition, praying for further time, being verified on oath: the manner in which it was to be verified did not appear. The only way, it seemed to him, would be, to call the petitioner to the bar, and swear him to the truth of his petition. It could not, therefore, be moved, that the petition should lie on the table, as that would dispose of it for the day, and such a delay would prevent the petitioner from applying hereafter for an extension of time. The petition having been read, the proper course, he conceived, would be, immediately to call the petitioner to the bar, to verify, on oath, the allegations he had made.

Mr. Holmes moved, That Mr. Mould be called to the bar, to verify the statement contained in his petition. The motion was carried, and Mr. Mould swore to the truth of the facts he had stated. Mr. Holmes then moved, That time for Mr. Mould to enter into his recognizance be enlarged till to-morrow.

Mr. *Wynn* said, that by the act which passed a few years ago, it was directed that thirty days notice should be given of the intention of petitioning, in order that inquiry might be made into the character of the sureties; that the person petitioned against might be able to recover his expenses, if the petition were declared frivolous and vexatious. By the same act, under particular circumstances, a longer time was allowed to the petitioner to find sureties, if those originally proposed were objected to. The period pointed out for the reconsideration of sureties was eight days, "at the least," after the objection. He thought, according to the strict technical construction of the words, that "eight days at the least," meant eight days exclusive of the day on which notice was given. But, as the House always acted with liberality towards petitioners, and as, in this instance, it was very probable that the petitioner supposed the words "eight days at the least" to include the day of giving notice as well as that of entering into the recognizance, perhaps they would accede to the prayer of the petition, although it was not strictly in time.

The motion was then agreed to.

Country Banks.] Sir *M. W. Ridley*, seeing the chancellor of the exchequer in his place, was anxious to know whether the right hon. gentleman had submitted any proposition to the committee now investigating the affairs of the Bank, or whether he had it in contemplation to offer any proposition to their notice, on the subject of country banks. On a former evening, the right hon. gentleman had said, when a question respecting country banks was asked, that it was a subject of such importance, as rendered it fit to be referred to that committee. But that committee was, as he understood, to

‡

report on the state of the Bank of England, with reference to the probability of that body resuming cash payments. Now, he begged leave to state, that as far as the Bank of England was concerned, the subject did not at all interfere with the situation of country banks. The great body of country bankers were most anxious, in consequence of what took place last session, to know distinctly, to what part of their system the right hon. gentleman intended to draw the attention of the committee.

The *Chancellor of the Exchequer* said, the hon. baronet would feel that it was impossible for him to give an explicit answer to his question, since propositions might be moved in the committee, of which, up to the time of their being submitted, he could know nothing. He conceived that the country banks, as connected with the general question of the paper currency, formed a very proper subject for the consideration of the committee, when the great point to be decided was, whether a restriction should be placed on the issue of paper. He begged, however to state, that, at present, he did not contemplate any proposition on the subject of country banks.

Sir *M. W. Ridley* said, he was then to understand, that there was no intention of submitting to the committee a resolution similar to that which the right hon. gentleman had in contemplation last year.

The *Chancellor of the Exchequer* said, he could not presume to state what proceedings might be adopted while the committee was sitting; but at present he knew of no such intention.

Moffat Grammar School—Misapplication of Funds.] Mr. *Brougham* said, he held in his hands a petition from the minister, elders and inhabitants, of the parish of Moffat, in Scotland. He ought first to mention that the minister and elders of a parish composed what in this country was called a vestry. They formed also an ecclesiastical authority. These inhabitants, to the number of 300, had taken the precaution to obviate the effect of an objection which was sometimes made to similar petitions, that persons of tender age had been called on to sign them, to add after each signature the age of the person signing. They composed a great majority of the inhabitants of the parish arrived at the age of maturity. The petitioners stated, that in 1639 a reverend gentleman, who was a native of Moffat, had bequeathed 1,000*l.* sterling to lord Johnstone, the ancestor of the present family of Annandale, in order to lay out that sum in land; and out of the rents and profits of the land so purchased, to give a yearly sum to a schoolmaster in Moffat, amounting to 25*l.* or 26*l.* a year. In the next place, a sum of 10*l.* or 12*l.* was to be given to an usher; and in the third place, between, 7*l.* and 8*l.* was to be paid to a writing master. The school was to be a grammer school, and the master and usher were to be qualified to teach Latin. It was also directed that a sum should be laid out in the erection of a proper building for the school. They stated that they had every reason to believe that the money had been laid out, in the first instance, in the terms of the devise, as the school had been built, and the salary had always been paid to the master when there was a master, but that a vacancy was frequently allowed to happen for several years at a time. The salary, however, was always paid when there was a master. But they stated, that instead of the other salary having been paid to the usher, as was devised, it had always been paid to the parish schoolmaster. This was a deviation from the terms of the bequest, and was the more unnecessary, as about sixty years afterwards schools had been established in every parish by the legislature. They stated that the third salary had also never been paid agreeably to the bequest. The overplus of the rents and profits of the land, after paying these three salaries, were then directed to be laid out for the relief of the poor of the parish of Moffat. A school was to be instituted for the education of the poor, and the overplus, after paying the masters, was to go towards the relief of the poor. They stated that no part of this estate, or any money, had ever been procured for a master for the children of the poor, and that they had never been able to see any account of the proceeds of the lands, and what had been done with either the lands or the money. They added, that it was a great hardship to the parish to be deprived of this school, as the parish school was not by any means sufficient for the education of the whole of the children. They stated also, that the same benevolent person, a Dr. Johnstone, left in the same manner 1,000*l.*, for the purpose of giving bursaries or exhibitions to eight poor scholars of Moffat, to the university of Edinburgh, and they

farther stated that these exhibitions for poor scholars had never been given to the inhabitants of the parish, though repeated applications had been made for them—that they had generally been bestowed, from motives of favour or affection, on persons from other quarters. The petitioners craved generally, that inquiry should be made into the subject matter of their petition.

Mr. *W. Douglas* said, that no man could feel more than himself the value of the labours of the hon. and learned gentleman, with respect to the education of the poor. As far, however, as regarded the money bequeathed for the benefit of the people of Moffat, he did know from inquiry, that up to the present period the money had been constantly paid for a schoolmaster. With respect to the allegation regarding the burseries, he could only say, that young men had been regularly sent to the university of Edinburgh agreeably to the bequest. The successors of the marquis of Annandale were persons who had always been conspicuous for every thing honourable, and particularly for their charities for objects of this nature, and he was certain it would turn out on inquiry, that all the objects of the bequest had been most religiously attended to.

Lord *Binning* trusted, when it was considered that he was connected both by relationship and friendship with the family implicated in the allegations contained in the petition, the house would excuse him for saying a few words on the subject. No charges had, indeed, been made directly against that family, but still charges were indirectly made against them. He would venture to say, that there never was a set of allegations of this kind which were more likely to be groundless. He could not speak as to details, as he had never heard the subject mentioned before. The hon. and learned gentleman would, in his opinion, have exercised a sound discretion, had he waited till the arrival of the hon. member for Dumfriesshire, who was nearly related to the family in question, and acquainted with its concerns. The speech of the hon. and learned gentleman would then have gone to the world accompanied by some explanation. But he wished to observe that this was neither more nor less than a question of misappropriation of property. It therefore properly belonged to a court of law, and the petitioners might have gone with it to the court of session.

Mr. *W. Douglas*, in explanation, observed, that two or three days ago the hon. and learned gentleman had mentioned to him that he had received such a petition, and had asked him if he could obtain any information respecting it before he presented it to the house. In consequence he had applied to persons from Moffat in London, who told him all that they knew respecting it. They told him that the petition was signed by the clergy man, and most of the inhabitants of the parish. They told him that the salaries and allowances had been regularly paid, and that the money was left entirely at the disposal and control of the Annandale family. He could only say, that he was sure, in exercising that discretion, the family in question would always act in an honourable and upright manner.

Mr. *Brougham* said the hon. member had partly answered for him the charge of the noble lord. He had not only communicated the petition to that hon. gentleman, but he had also communicated it to the right hon. gentleman who was member for Edinburgh. That right hon. gentleman, after reading the petition, had returned it to him with an answer, that he was entirely unacquainted with the circumstances stated in it. He thought he had done quite enough to save him even from the possibility of being charged with any thing like unfairness.

Ordered to lie on the table.

Weights and Measures.] Mr. *H. Sumner* wished to know what had been done by the commission appointed to take into consideration the present state of Weights and Measures, and whether they were likely to make a report during the present session.

The *Chancellor of the Exchequer* said, that the commission alluded to was not at all connected with his department. He could, however, state for the satisfaction of his hon. friend, that some progress had been made by the commissioners, but not sufficient to encourage a hope that they would be able to present a report during the present session.

Mr. *H. Sumner* said, there was a partial pressure, at the present moment, that rendered some remedy necessary. The late Mr. Whitbread had introduced a bill, whereby magistrates were required to have proper weights and measures in their different districts, by a reference to which persons having false weights and measures

might be convicted. The usual way was, to apply to the exchequer, where the regular standard for those weights and measures was kept. He had applied there, and found that there were but three measures of capacity, the bushel, the peck, and the gallon. It was evident that these demanded an immense number of subdivisions, to answer the general purposes of life. The city of London had employed persons to subdivide those measures into the minor denominations required; which subdivisions were afterwards used by the magistrates, in their various districts, who acting upon the measures so subdivided, received informations against persons using what they conceived to be false measures, and convicted several of them He now understood that those convictions could not be sustained, because they were founded on measures that did not issue from the exchequer. To remedy this, without interfering with the powers of the commissioners, he conceived that a bill ought to be introduced to legalize certain subdivisions, and it was his intention at an early period, to propose such a bill to the house.

Care of His Majesty's Person Bill.] The bill was committed and reported, and on the motion that it be read a third time to-morrow.

Sir. *M. W. Ridley* hoped the chancellor of the exchequer would not press the third reading of this bill to-morrow. There was a part of the bill in which he conceived there was something objectionable. He did not object to giving the custody of his majesty's person to the duke of York, as he conceived his majesty could not be in better hands; but he objected to vesting in the hands of the duke of York, certain patronage and power, which ought not to be in the hands of a person who was the successor to the crown. On this subject, perhaps, some important light might be thrown, by the committee lately appointed, and he hoped, therefore, that they would wait for the report of that committee before the bill was read a third time, in order that they might know in what way that patronage could be best disposed of. If, however, it was the sense of the House that the third reading should take place now, he would not press his objection.

The *Chancellor of the Exchequer* said, that it was of great importance to have this bill passed as soon as possible, but he would defer the third reading to Monday.

Sir *M. W. Ridley* said, that if it was a matter of any necessity, he did not wish to throw any impediment in the way of the third reading.

Mr. *Lamb* concurred in the principle which his hon. friend had laid down. It was one which ought always to be observed, wherever it possibly could. Every person must recollect what passed on a former night, when objections were made to what was properly denominated, this *imperium in imperio*, because it placed influence, which belonged to the crown in other hands. At the same time, it must be observed, that this was a necessity, absolutely forced on the legislature, and that the circumstances of the case were such that they were compelled to submit to them: for it was impossible that the duke of York could be responsible for the safety of his majesty and the conduct of his household, unless he had the power of removing the persons constituting that household.

The bill was then ordered to be read the third time to-morrow.

Barnstaple Election Petition.] Mr. *Lambton* presented a Petition from sir Henry Clement Thompson, who had presented a petition against the return for the borough of Barnstaple. He stated that having, according to law, given eight days notice of his sureties, he had named a Mr. Larkins, of Essex-street, Strand, as one of them. His other surety was accepted, but Mr. Larkins was rejected because he had changed his residence from Essex-street to Northumberland street, and he was also objected to because he had been a bankrupt two years ago. The petitioner was consequently recommended by the examiners to apply to the House by petition. He stated, that he was unacquainted, as was his agent, with his surety's change of abode, and he prayed for further time to give notice of another surety.

The petition was brought up and read. On the motion, that the petitioner's agent, Mr. Williams, be called to the bar to verify on oath the statement,

Mr. *C. Harvey* objected to the motion, because, if the whole of the allegations were proved, it was to be doubted whether House would grant the petitioner relief. He was bound, in the first instance, to have offered a sufficient surety, or to

have made the requisite inquiries. The fact that the person he had offered had been a bankrupt within two years should have made him more particular in his inquiries respecting him. It was, therefore, an insult on the House for the petitioner to have offered such a surety without having obtained the necessary information respecting him.

Mr. *Wynn* said, that the proceeding was now confined to the calling in the petitioner's agent, to confirm his statement on oath. They might afterwards consider whether on that statement so verified, the House was justified in granting the petitioner the indulgence he prayed. There was no *primâ facie* objection to the surety from the fact of his once having been a bankrupt. He was not on that account disqualified by law from holding property.

Mr. *S. Bourne* observed, that the question was not whether the surety should be admitted, but whether the House should grant time to the petitioner to give notice for another surety. There appeared to be a difficulty in admitting without examination, the statement of a petitioner; for though he might state the truth, he might not state the whole truth, and might keep out of sight circumstances which had justified the examiners in rejecting the surety.

Mr. *Lambton* observed, that the examiners had recommended the petitioner to apply to the House, which was a presumption that they thought him entitled to an extension of his time.

After some farther conversation, Mr. Williams, agent to the petitioner was called in, and having verified the matter of the petition upon oath, the time was enlarged till Monday sevennight.

HOUSE OF LORDS.

Monday, February 8.

WESTMINSTER HUSTINGS BILL.] The Earl of Lauderdale presented a Petition from certain Electors of Westminster against this bill. It was in substance the same as the one presented to the House of Commons by sir Francis Burdett, [see p. 208] Lord Sidmouth having moved the order of the day for the second reading of the bill,

The Earl of *Lauderdale* said, he was surprised that the noble secretary of state should content himself with merely moving the second reading of this bill, and seem to consider it unnecessary to say a word upon a measure of so extraordinary a nature, perhaps the only measure of the same kind ever introduced into that house. He wished to call their lordships attention to the circumstance, that this bill was proposed to be passed at a time when persons had actually assumed the character of candidates, and was, therefore, with respect to them, an *ex post facto* law. Besides, what necessity was there for such a measure? Had not the high bailiff the means of indemnifying himself by an action at common law? That there was such a remedy, had already been decided. In the action, *assumpsit*, brought by the high bailiff against sir Francis Burdett, the late lord Ellenborough gave it as his opinion, that a candidate who had received the use of the hustings was liable for his share of the expense. The question was afterwards solemnly argued, on a motion for a new trial, when the same opinion was given by Mr. Justice Le Blanc, and concurred in by the other judges. The late Mr. Clifford supported a very learned argument in favour of the non-liability of the candidate. If the noble lord thought that argument well founded, there might be a reason for introducing this bill; but all the judges were of quite a different opinion, and stated it to be the law, that a candidate who benefitted by the use of the hustings was liable to the expense. This being the state of the law, he should be glad to know what reasonable motive could be assigned for the interference of that House, after the writ for a new election for Westminster had been issued, and persons of course stood in the situation of candidates. The measure could only be introduced for the purpose of subjecting such persons to expenses, to which they could not be liable by an action at common law. On this ground he regarded the measure as possessing all the character of an *ex post facto* law, and on that ground he trusted their lordships would proceed no farther with it.

Lord *Sidmouth* said, that with the construction of the present bill he had had no concern; but the bill which was for reviving and continuing an act of the 51st of the king, having, after much consideration, passed the other House, a representation was made to him, showing the expediency of such a measure; and both as high steward of Westminster and as secretary of state, he felt himself bound to give the bill his support. He now pro-

posed the second reading; and their lordships had to consider, first, whether it was not proper that accommodation for voting should be provided in Westminster; secondly, by whom that accommodation ought to be provided; and, thirdly, who ought to defray the expense. Under all these points of view, he thought they could not but agree to the present bill. It would be recollected, that in the year 1811, after lord Ellenborough had given the opinion alluded to by the noble earl, a bill was introduced and passed, for extending to Westminster the act of the late king, by which the sheriffs of counties are obliged to provide hustings, poll-clerks, &c. for elections [Here, on the motion of the noble lord, the clerk read the act in question—the 51st of the king, chap. 6]. The noble lord then proceeded, and observed, that this act, which expired in 1813, was renewed for six years, and had again expired on the first of January last. The question was, with regard to the electors of Westminster, whether it was necessary that hustings should be erected, and other conveniences provided; if so, by whom they should be provided, and who was to pay the expenses of such arrangements? If this bill were not passed, all that the high bailiff was compellable by law to do with regard to an election was (and he spoke advisedly, such being the opinion of eminent lawyers), to attend himself, with a single clerk, to take the poll. Now, their lordships knew from melancholy experience, that riots frequently took place at elections for Westminster; and could they imagine, that when the high bailiff, attending thus with a single clerk, could not take the votes of more than a fourteenth part of the persons entitled to the elective franchise for Westminster, which amounted to at least 14,000, there would not be a much greater tendency to riot than under the system upon which the elections had been hitherto carried on? The mere anxiety of the electors to obtain a priority at the poll, in order that they might not be deprived of the exercise of their franchise, must have a direct tendency to excite riot and confusion. But was it of no light importance that a large majority of the electors of Westminster should be absolutely deprived of the means of exercising their elective franchise?—and yet, as he had already stated, such must be the case if this bill was not passed. With regard to what had been said by the noble earl respecting the decision in 1808, he believed he was quite correct in stating that that decision did not turn upon the point stated by the noble earl, but upon this, that the attendance of an agent of sir Francis Burdett upon the hustings, was considered as an implied acceptance of the accommodation provided by the high bailiff for his share of the expenses, of which therefore sir Francis Burdett was made liable. But it should not be forgotten, that when a bill similar to the present, was in that House in 1811 and 1813, and which did not pass *sub silentio*, his noble friend (lord Ellenborough), now no more, in whom were united the most eminent knowledge of the law, with the greatest firmness and integrity, was then a member of the House, and saw no reason whatever, arising out of the decision in 1808, against the passing of the bill. The present bill, which was merely to revive and continue one that expired five weeks ago, he saw no reason to object to, on the ground of its being *ex post facto*, whilst the necessity for a measure extending the same provisions to the returning officer of Westminster, where the electors were so numerous, as to the returning officers of counties was so obvious, that he could not hesitate in moving the second reading of the bill.

The Earl of *Lauderdale* contended, that the noble secretary of state had taken all erroneous view of the law. He seemed to be of opinion, that the high bailiff was only obliged to provide a single clerk to assist him in taking the poll. Such, however, was not the fact. Lord Ellenborough had laid it clearly down as the law, that the returning officer was bound to provide due accommodation for the election, and that the candidates, for whose benefit that accommodation was provided, must defray the expenses. Nothing could be more groundless than the analogy the noble lord had attempted to establish between sheriffs of counties and the high bailiff of Westminster. The office which the sheriff held was imposed upon him; while the high bailiff, on the contrary, not only took the burthen on himself voluntarily, but purchased his office from the dean and chapter of Westminster. The operation of this bill, if it should become a permanent law, would therefore, merely be that of raising the money value of the office, and enabling the dean and chapter to get a better price when it came again into the market. The noble lord spoke

of disorders to be apprehended from a Westminster election; but he who had in the course of his life had a good deal of experience in scenes of that sort, had always found that measure which was the chief object of this bill to be a principal cause of tumult. Of this he was certain, that the greatest disorders he had ever seen at these elections, were occasioned by the crowd endeavouring to get possession of those hustings, for the erection of which the noble lord expressed so much anxiety.

The House divided: Contents, 13; Not Contents, 4. The bill was then read a second time.

COTTON FACTORIES.] Lord *Kenyon* presented a petition from certain persons concerned in the cotton factories at Stockport, praying that a bill similar to that proposed last session, for limiting the hours of the labour of children, might be introduced and passed.

The Earl of *Lauderdale* said, he had been informed, that many of the individuals who had signed petitions for the object prayed for by this, had been persuaded so to do, in consequence of being told that if the bill passed they would get more money for their labour, and have to work fewer hours than they now did.

Lord *Kenyon* said, he had no reason to suppose that any persons had signed this petition under the impression described by the noble earl. He had heard assertions of undue means having been resorted to for obtaining signatures, but he was not aware of any false representations having been employed to procure signatures to the petitions he presented, and regarded the assertions to that effect as unfounded. He had now to present a petition from persons of sixteen years of age and upwards, employed in the cotton manufactories of Holywell, in Flintshire. The object of this petition was the same as the last.

The Earl of *Lauderdale* wished to state, with respect to this petition, some facts which might, if their lordships pleased, be supported by affidavits. He was informed that a person from Stockport had arrived at Holywell, bringing with him a letter to some of the people employed there, and a copy of a petition, in terms similar to that presented, for them to sign: this stranger assembled the people in a public-house, and informed them that the petition was for a law which would greatly benefit them if it should pass, as they would then have to labour less, and yet would be paid more wages than they now received. The petition was stated to be from persons of sixteen years of age and upwards, but he was assured that it had been signed by at least one hundred boys and girls under that age. The proceeding had been a source of great vexation in the neighbourhood. Before this stranger appeared, the people in the works were contented and happy, but after this transaction they became troublesome and refractory.

Lord *Kenyon* thought the noble earl must have been deceived by the information he had received on this subject. The representations of the transaction which had been made to himself, from what he considered good authority, were of a very different nature.

The Bishop of *Chester* presented a petition, signed by the clergy of the established church, the dissenting clergy, medical persons, manufacturers, shopkeepers, and other inhabitants of Bolton-le-Moors, to the number of 5,226, praying, like the preceding petitions, for the limitation of the labour of children.

The Earl of *Lauderdale* could not help reminding their lordships, who might be disposed to lay some stress on the circumstance of the petitions being signed by medical persons, of what had occurred last session, with regard to petitions similarly signed, Some of the medical persons who had signed the petitions, on being examined before the committee of last session, had declared, that on inspecting the manufactories they found the children employed in them, generally speaking, in better health than was usual for children of their age. They were of course asked what had induced them to sign the petitions. They answered, that they had been induced to sign them by the representations of friends; but that now, since they had had the opportunity of a personal examination of the children, they would sign no more. This fact accounted for the smaller number of such signatures which were now procured.

The Bishop of *Chester* said, it might be true that some medical persons had signed the former petitions inconsiderately, but he had reason to believe that such was not the case with those who had signed the petition he now presented.

The Earl of *Lauderdale* restated what had passed before the committee last

session, and observed, that from what the right rev. prelate now stated, he must suppose that he had examined the medical men whose signatures were attached to the petition, and had found that they had inspected the factories.

The Bishop of *Chester* said, he had been for some time at Bolton-le-Moors. He then took occasion to inquire into the character of the medical persons whose names were attached to the petition, and was perfectly satisfied with the grounds on which they had formed their opinion respecting the effects of the employment in the factories on the health of the children. The right rev. prelate then presented a petition from persons of sixteen years and upwards, employed in the cotton factories at Bollington, in the county of Chester.

The Earl of *Lauderdale* said, he wished to appeal once more to the consideration of the noble lord who was desirous of promoting this inquiry, in the hope that he would be induced to postpone it. The subject was one of the highest importance, since the object of the noble lord was, to alter those principles which had hitherto governed the application of labour in this commercial country. If the noble lord seriously felt all the importance of the question, he certainly would not urge it at a time when so few members were present, but would defer his motion until a period when it was likely he might find the house in a different state.

Lord *Kenyon* said, that having already, at the request of the noble earl, postponed the motion from Friday to this day, every noble lord who was desirous of attending might be supposed to be aware that the subject would be brought forward. If the House was thin on such an occasion, it was to be presumed that it arose from the supposition that no serious opposition would be made to the motion for appointing the committee. The case was one which, in his opinion, called for expedition, and therefore he could not agree to any longer delay. As what he had to propose was merely an inquiry, similar to that which had taken place last session at the request of the noble earl, he could see no reason for postponing the motion until there should be a more numerous attendance. The committee which was instituted last session, after the bill had undergone a second reading, had left the evidence in a very imperfect state. It was his wish, that the evidence should be completed, and then the House would be able to judge of the justice and necessity of the measure he intended to propose. The only feasible objection started against proceeding with the inquiry forthwith was, that the noble earl would not be able to attend this committee. Knowing the influence which the noble earl had over the minds of others, he saw no reason to suppose that he could not, although absent himself, procure attention to his views, through the intervention of a friend. If the noble earl could not give his personal attendance in the committee, it would be some compensation that a body of evidence would be collected by its labours that would give him afterwards a more complete command of the question. There was another illustrious person (the duke of Sussex) who, he feared, would likewise be precluded from attending, as he had been last year, but whose absence, although to be regretted, would not create any delay. The noble earl on a previous night had alluded to disturbances which, in his opinion, the former agitation of the question had provoked, and had pointed out dangers which might attend its renewed discussion. These consequences he saw no reason to apprehend. By the inquiries of a committee, a body of evidence might be gained; and if, after this was laid before the house, neither duty to the individuals whose suffering it was intended to alleviate, nor regard to the welfare of the country, whose interests it was intended to promote, required the interference of parliament, the objects contemplated by the bill of last year might be finally abandoned. With respect to the evidence taken by the committee of last year, it ought to be recollected that it was all on one side. He had no doubt that the operation of that evidence, so far as it affected the bill brought in, might be rebutted by contrary evidence now obtained. No other change was last year intended than that which met the views of most humane and enlightened persons whose interests were not concerned, and which had been since carried into effect by some manufacturers, whose interests it might at first view seem to oppose. That change consisted in the limitation of the hours of labour for children, and a protection to those who, from constitutional infirmity, were unable to work the time prescribed for others. Since the subject had been last discussed in parliament, a determination had been mani-

fested by some of the most respectable manufacturers of Manchester to shorten the hours of labour. This fact, while it showed the justice of the principle on which the bill of last year had proceeded, afforded the strongest motive for passing it into a law; because, while no uniform enactment on the subject existed, benevolent persons, in their desire to conform to the dictates of humanity, were liable to have their views thwarted, and their example counteracted, by persons of opposite dispositions and character. He himself had, since last session, been in two cotton-mills, both belonging to most respectable individuals. The visit he made to one of them was at a favourable time of the year, but he still saw reason to convince him of the propriety of a bill to ameliorate the condition of the children, by limiting their hours of labour, and regulating the other circumstances that affected their health. In the other, the heat was so oppressive, that nothing but a sense of duty could have compelled him to remain in it, even for the short time required for its inspection; and yet, he was told by the persons there, that the door or the windows could not be opened without destroying their work. With regard to the principle involved in the bill, namely, that it would interfere between the master and those whom he employed, he could not help calling their lordships' attention to a similar measure that passed in 1802, where the principle of interference was recognized. The noble lord, after some further observations, moved for the appointment of a committee to inquire into the state of children employed in the cotton factories, with a view to the limitation of their hours of labour.

Earl *Grosvenor* said, he could not agree with the noble lord who made the motion, either in the principle of interference which he wished to establish, or in the force of the reasons which he had stated for the appointment of a committee. The noble lord had said, that it was right to appoint a committee this year, because a committee had been appointed last year; but he had not properly considered the difference of circumstances in the two periods. A committee had been appointed last year, because a bill came up from the other House, which had met there with a full discussion, but of which their lordships were ignorant; and then the question was, ought it to pass into a law without examination, or ought the House to inquire before they gave their sanction to a measure of so much importance to the country, from the principles which it involved, and the interest it might effect? The case now was wholly different: the measure had been fully discussed, and there was no necessity for the immediate inquiries of a committee, because there was no bill pending which its enquiries could effect. Leaving the question of the committee, he would make some observations on the other parts of the noble mover's speech. It was with great reluctance that he so expressed himself; but he was bound to say, and he could say it on the most mature conviction, that he could not go all the lengths of the noble lord. This was a question of the greatest national importance, and ought not to become the subject of a petty vexatious species of legislation. Nobody could go farther than he would in maintaining the maxim of our ancestors, that the fullest attention ought to be paid to the petitions of the people as against the government, and that supplies ought not to be granted till their grievances were redressed; but the case here was widely different: here we did not hear the complaints and grievances of the subject against the government, but of one part of the people against the other. The question was, therefore, one of great delicacy, and ought to be approached with the most scrupulous caution, in order that it might not be decided on principles which, while they seemed to favour the interests of one class, were detrimental in their operation to the welfare of all. The dissimilarity between apprentices to free labourers, rendered the case of the former, as brought forward by the noble lord, quite inapplicable to the present question. There was, in fact, no analogy between the situation of an apprentice, as regulated by law, and that of a free labourer, under no restriction but that of his own will; and unless in the cotton factories, a system of gross inhumanity, cruelty, and oppression could be made out against the masters, no reason could be urged why parliament should proceed to legislate. If, then, no new law was required, nothing could be more dangerous than to agitate the question, and to raise hopes which could not be realized. Nothing appeared to him more calculated to produce scenes of disturbance similar to those which agitated Manchester last Summer, than the renewal of those discussions which took place last

session. On this account, he was against the appointment of the proposed committee at the present moment. He had believed last year that there was more inhumanity in the treatment of children in the cotton factories, and of course a greater call for the interference of parliament, than there really existed. The noble mover had acknowledged an improvement from the very agitation of the question; and had stated, that in some cases the manufacturers had voluntarily adopted the most important regulations of the bill of last year. If this was the case, why not legislate farther: if what parliament proposed to enforce had been done spontaneously, why interfere with statutory enactments? At any rate, the legislature ought to wait to try the effect of the lessons inculcated in the discussions of last year. If the most respectable manufacturers reduced the hours of children's labour at the suggestion of their own humane minds, the majority would soon follow their example, and the object would be accomplished more effectually and more easily than by a legislative enactment. The noble lord had complained of the injurious effects of heat in cotton factories; but it was to be recollected that a sensibility to a high temperature was only relative. He (lord Grosvenor) had heard of many overseers who wished to ventilate the mills, but were prevented from doing so by requests and remonstrances on the part of the children who worked in them, and their parents. He admitted that this employment was not so healthy as that of those engaged in agriculture, but he doubted whether it could be improved by any positive regulations in which their employers did not think it their interest to concur. At any rate, the house ought to wait till the effect of a voluntary effort should be tried. If the hours of labour should be reduced, and the other provisions of last year's bill completed, there would be no necessity for farther measures. If no amelioration took place, it would be time enough to legislate after the experiment of a short delay had been tried. The noble earl concluded by proposing the adjournment of the question, to this day six weeks.

The *Lord Chancellor* said, that this was indeed a very important subject, and he could not imagine either why a greater number of noble lords had not attended, or why those who were present had thought proper to withdraw. There could be no doubt that if children were by over work or harsh usage injured in their health, or distorted in their limbs, as had been attributed to the severe labour of cotton factories, their parents or masters were punishable at common law for the offence, and he had hoped that the debate would have turned upon this point, and closed with the adoption of some specific measure for the enforcement of what he would call the prohibitions of the common law. A petition had been presented that evening by a rev. prelate, which he trusted he might without offence be permitted to call a very dangerous petition, for it required the interference of parliament, not for the regulation of children only, but of adults, by which means the freedom of labour would, in his mind, be essentially affected. This was dangerous ground, and he thought it would be well to postpone the consideration of it until there was a fuller attendance. If the question were pressed, he should not give a vote, but he should be pleased, if the noble earl were to change his six weeks, to a fortnight.

Lord *Kenyon* said, that he should have no objection to postpone the subject to that day sevennight.

The Earl of *Lauderdale* proposed an adjournment of a fortnight. He rose, he said, to say a few words about the protection given to labourers by the law of the land. It appeared on the examination of witnesses before the committee of last year, that two factories were discovered so dirty and unhealthy, that he, with all his desire that compacts between the employer and the labourer should be free, thought that they ought to be put down. He had asked their names; then he had asked if the magistrates had not exerted, in correcting them, the powers given by sir Robert Peel's bill; but he was told that there had been no interference. Was it not, therefore, more necessary to pass an act to compel magistrates to do their duty, than to enact new laws, which, like that to which he alluded, might be allowed to remain inoperative? He was convinced that no good could be gained by the agitation of the question, while much evil might result from the false expectations which renewed discussion would excite. These false expectations, which could never be realized, were the true cause of the disturbances which disgraced Manchester last Summer. In support of this, the noble earl read an extract from the

evidence taken before the committee on the cotton-bill, last year, in which a Mr. Booth stated, that he had delivered to the Manchester Chronicle, and paid fifteen guineas for the insertion of an article which advocated the principle of the bill, in limiting the hours of labour as equivalent to a higher rate of wages. The noble earl concluded by asking for delay, that the manufacturers might cool a little before the further agitation of the question.

The Bishop of *Chester* did not see any reason for thinking that on a future occasion there would be a fuller attendance of members. A noble earl had argued, that there existed a connexion between the disturbances in Manchester, during last Summer, and the exertions of the petitioners; but he could assure him that there was not the least foundation for such an opinion. The imputations thrown on the petitioners were, therefore, entirely groundless. They had conducted themselves with the most perfect prudence, with the most complete submission to the laws, and in the most inoffensive manner. He had himself been asked by them, whether he would advise meetings to be called at Manchester, Bolton-le-Moors, and Stockport, for the purpose of petitioning parliament, and he advised them to call no such meetings. He warned them of the dangers that might ensue, and gave it as his opinion, that no advantage could result from such a measure. Accordingly, no meeting was called at any of those places, nor had the petitioners formed the least connexion with those who had assembled in a more riotous manner. With regard to this last fact, he did not rest merely on the circumstance he had mentioned, or the casual observation of even people well informed. Some of the rioters of Stockport were tried at Chester, and he himself had attended, for the express purpose of ascertaining whether any connexion like that stated by the noble earl really existed, and he had left the court with the conviction that there was no ground for the charge. He held in his hand an address from the petitioners, declaring that they held in abhorrence the disturbances that had disgraced Manchester and its neighbourhood last Summer. He could not help remarking, that the reason which the noble earl gave for refusing to proceed farther, was in his mind a good reason for hastening the enactment of the law. Much good had already been done by parliamentary interference; and that afforded a strong argument why parliament should go on to complete its work.

The motion was then postponed to this day fortnight.

HOUSE OF COMMONS.

Monday, February 8.

Election Petitions.] The Speaker said, he had to make a report to the House respecting certain recognizances to be entered into by those presenting petitions, complaining of the returns in Irish elections. Before he spoke of the particular cases to which he alluded, he thought it might be for the convenience of the House that he should state precisely the situation in which these petitioners stood. By an act of the 28th of the king it was provided, that the petitioners should enter into certain recognizances within fourteen days, and failing to do so, it was imperative on the Speaker to report that these had not been entered into, and thereupon the petition being taken into consideration, any order for referring it to an election committee was to be discharged. By an act of the 48th of the king it was provided, that if the petitioners were in Ireland, though no extension of the time formerly allowed for presenting petitions was granted in England, a further time should be allowed for giving the Speaker notice of the recognizances having been entered into, and fourteen days were allowed for that purpose, making altogether twenty-eight days from the opening of the first session of parliament for entering into the recognizances, and giving notice of the same. A subsequent act of parliament, passed in the 53rd of the king, called on the petitioner to enter into heavy recognizances for counsel's fees, and other expenses, and for entering into these the same time was allowed as in the act of the 28th of the king, but by some oversight no time had been allowed over the fourteen days to petitioners in Ireland to give notice of these recognizances having been duly entered into. The provision made in the act of the 48th of the king, must, by some accident, have been overlooked when that bill was passed, or the same arrangement would have been made with respect to these recognizances that had been thought necessary for the others. If he had succeeded in explaining the situation in which these petitioners

stood, he thought there would be no difference of opinion on the subject. He would suggest, that the time should be enlarged for giving information of recognizances entered into, and that fourteen days should be allowed for that purpose. He then put the question severally on the petitions complaining of the returns for the county of Cork, for the county of Leitrim, and for Drogheda, that the time for receiving notice of the recognizances being entered into, should be enlarged till Friday, the 19th February.—Ordered.

Royal Burghs of Scotland—Petition from Kirkcudbright.] Lord *A. Hamilton*, in rising to present a petition, said, that as this was the first petition on this subject in the present parliament, he should claim the indulgence of the House for a few words. It was a petition complaining of the self-elected magistrates of the burghs of Scotland, an evil respecting which there had been numerous applications to the last parliament;—and he did not doubt but that this petition would be, in the present session, followed by numerous applications. The petitioners detailed the evils of this system; they pointed to the bankruptcy of several burghs, especially of Aberdeen; and urged the impossibility of their keeping out dishonest magistrates, or of controlling them when in office. They referred to the manner in which members were elected to that House, not as the immediate evil they complaimed of, but as one growing out of it. He hoped the House would really take into consideration the evil stated by the petitioners with a view to do justice. He should take that opportunity, as he saw the learned lord immediately connected with the legal affairs of Scotland for the first time in his place, of putting a question to him. In the last session the learned lord had introduced a bill to remedy a part of the evil complained of by the petitioners, which had been, somewhat unaccountably, withdrawn. He wished to know, whether the learned lord intended to revive that bill, or to introduce any other.—The petition, which was from the burgh of Kirkcudbright was then brought up.

The *Lord Advocate* of Scotland said, that the bill which the noble lord had described as having been withdrawn in an unaccountable manner, had been withdrawn because those interested in it had petitioned that the bill might not pass till the subject had been brought under the consideration of a convention of the burghs, in July. In answer to the question which had been put, he had to state, that it was his intention to propose the introduction of a bill similar to that which he had brought in during the last session.

Lord *A. Hamilton* said, it gave him great satisfaction to hear that the learned lord intended shortly to introduce a bill; and he was also gratified to learn that the voice of the people, expressed by petition, was so much attended to as to cause the withdrawal of the former bill.

Ordered to lie on the table.

Motion for adding Mr. Brougham to the Bank of England Committee.] Mr. *Calcraft* rose, pursuant to notice, to move that the name of Mr. Brougham be added to the committee appointed to investigate the affairs of the Bank. The extraordinary fitness of his hon. and learned friend for such a committee were not, he believed, disputed by any individual in that House. It was not, therefore, necessary for him to enter into a detail of those abilities which eminently qualified him for a place on that committee. He had been asked by several gentlemen, whether he had any precedent for this proceeding? To this he answered, that he had found a precedent exactly in point. In the year 1781, the marquis of Graham was added to a committee, although it was originally decided that it should only consist of twenty-one members. This took place on the 11th of May, and, in the record of the transaction on the Journals of the House, allusion was made to other precedents. He was not, therefore, making an unprecedented motion. Having stated this to the House, he would not enter into any invidious remarks, on those gentlemen whose names had been ballotted for, but would content himself with moving, "That Mr. Brougham be added to the said committee."

Lord *Castlereagh* said, it would be very invidious to argue on individual members. He was perfectly convinced, that the talents of the hon. and learned gentleman whose name had been mentioned, were every way suited to the examination of the subject to which the attention of the committee was called. It was not on account of that hon. and learned gentleman's want of capability, that he felt it necessary to oppose the motion, but because the grounds on which

it was introduced, were in truth, in spirit, and in practice, wholly destructive of the principle on which his majesty government called for a ballot, when a secret committee was about to be formed. The hon. member had mentioned a precedent as to the addition of a name to a committee which had been formed, but he had not mentioned whether it was a committee of secrecy ["it was," said Mr. Calcraft.] But if there was this precedent, there were more recent ones in which the House had refused to make an addition to the members of such committees. In 1797, a motion was made by Mr. Sheridan to add the name of Mr. Fox to the committee on the state of the Bank, which the House thought fit to negative.* In the last parliament too, when, on the absence of a member who had been chosen by the ballot at a considerable distance, it was proposed to withdraw his name, and to substitute that of another member, the House had decided that it would adhere to its own decision, and that as it had a claim upon the servicse of all its members, the absence of one of them was no reason for excusing him. Without making any personal objection to the individual, he would only say that the best course for parliament to pursue was, to adhere strictly to the old plan, which had been adopted, for a long series of years, in the formation of committees of secrecy.

Mr. *Tierney* observed, that the noble lord had said that it would be invidious to state any objection to the nomination of Mr. Brougham. It was, however, something more than invidious, it was extremely difficult. Without saying any thing in disparagement of other gentlemen, he would venture to assert, that no man would deny his hon. and learned friend's qualifications of the researches which the committee would be called on to make. There was not any gentleman in the House there was not any man in the House or in the kingdom, more eminently qualified to assist in the elucidation of any question connected with political economy. The defence which the noble lord had been driven upon was, to say, that when the committee was completed by ballot it should not be varied, and he had adduced as a precedent that when a gentleman was nominated who was 400 miles off, his name was not permitted to be withdrawn to substitute another. But this was no rule for the present case, nor did it prove any thing but that the ministers would never give way unless they had a decided majority of the House and the country against them. It was said, that in 1797 the House had decided that it would not admit Mr. Fox as a member of the committee. But because the House had been in the wrong then, was it any reason that it should be in the wrong now? If the object was, to obtain the best report, why should the committee consist of 21 rather than 22? They would not add the name to the committee, because it came from that side of the House. Their objection in reality was (what decorum would not allow them to utter), that Mr. Brougham did not sit on their benches. If, indeed, the numbers were so equally balanced, that an addition of one member from that side would endanger the ministerial majority, there might be an excuse for the opposition to the motion. But they had taken care to be abundantly secure on that point. Even with the addition of his hon. and learned friend, the members on the committee, who were in the habit of opposing ministers, would only be eight out of 22. Did any one of the ministers feel that they were in danger—did they think their majority of 14 so slippery? This was a question to which the House should look with great anxiety, for its decision would be taken as an earnest of its intentions; and if the House and the country were polled, no man would be declared by the general voice better fitted for extensive information and persevering research than his hon. and learned friend.

Mr. *Stuart Wortley* said, that fully agreeing in all that had been said by the gentlemen opposite him in favour of Mr. Brougham, he could not help saying that it was their fault Mr. Brougham was not a member of that committee. Formerly it had been the practice in ballots to draw up not one but two lists, one from the ministerial the other from the opposition side; on the present occasion about a hundred members balloted, but he observed that not one gentleman came from the opposition side to put in a list. If they had done their duty, if but half the minority which they had mustered had put in lists containing the name of Mr. Brougham, there would have been a very good chance that that gentleman would have formed one of the committee; for it was known that many members had al-

* See Parliamentary History, vol. 32 p. 1562.

tered the ministerial list. After this he thought the House would not be persuaded to add another member to a committee already formed.

Mr. *Calcraft* said, that the hon. member for Yorkshire had taken upon him to lecture that side of the House; in the last parliament that hon. member was in the habit of giving good advice to the ministers. He for one, should always be glad to listen to the hon. gentleman's admonitions; but in the present instance he had mis-stated the facts and mistaken the inferences to be drawn from them. The number of the members who balloted was 200, and of these 175 had put in the treasury lists unaltered. But this was not all, for it was well known that there was a corps de reserve available for the purposes of the minister. It had been well observed by the right hon. the member for Liverpool, that it was peculiarly desirable to have this committee composed of all the talents in the House most competent to judge of the important subject referred to it, and as the talents of his hon. and learned friend, to whom the motion referred, were quite unquestionable, he lamented the absence of that right hon. gentleman upon this occasion, because, if present, he must calculate in consistency upon that right hon. gentleman's support of the motion.

Mr. Alderman *Waithman* said, that if the object of gentlemen were a full and fair inquiry, he could not see why they should oppose the present motion. He did not see why they should object to the name of Mr. Brougham, a gentleman possessing talents of the highest order, and knowledge of great extent. Whatever gentlemen might say in that House, by whatever pretext they might labour to get rid of such a man, the country at large would say, that this committee of inquiry was but a committee to suppress real inquiry. He said, he would ever oppose the appointment of a committee by ballot, because he considered it an improper mode of selecting a committee; it had indeed been made a joke of; it had afforded infinite amusement to the other side of the House, but he considered it a grave and important matter, and gentlemen who treated it with levity, who called it a joke, showed very little respect for public opinion. He could not think that the House would perform its duty, even if precedent were against the present motion, if they excluded Mr. Brougham from the committee. Precedent should not be attended to where precedent might be mischievous. It might happen, that a particular individual, on a particular occasion, might be better qualified to act—might have more capability and information—than all the persons on the committee put together; it might happen that such a man might, by chance, or by design be excluded: in such a case, he would ask, was the House, was the country to be shut out from all the information such an individual could afford on a mere matter of punctilio? But as far as precedents went, it was stated that they were in favour of the nomination. For his part, he did not conceive that the mode adopted was the way to promote a full and complete inquiry: he for one, had no expectation from the investigation. Though he had not the honour of a seat in the House before, yet he had not been inattentive to its proceedings. He had heard enough—the country had heard enough of secret committees—they had heard enough of the old jokes of the balloting system—they had heard enough of the green bag committees, to hope for any useful result. The fair intention of the balloting system was, he said, to have the members of committees appointed unbiassed and impartial. Time, however, had perverted it, and experience showed that it was a system that should not be upheld, but ought, on every constitutional and honest principle, to be immediately abandoned. For himself, he strongly deprecated the rejection of the hon. and learned member. He spoke from feeling, and the sudden but strong impulse of feeling, convinced that the country would be universally dissatisfied if the hon. and learned member alluded to was not placed upon this committee.

Mr. *Wynn* observed, that with respect to the system of ballot, he differed from the worthy alderman, as well as from other members; for it appeared to him quite indifferent whether a committee were appointed by ballot or by nomination, because the opinion of the majority must have the same influence in either case, with this consideration, however, in favour of the ballot, that gentlemen had an opportunity, through that system, of expressing their real sentiment, without offending against prejudice or partiality. He would most decidedly object to the system by ballot, if, as some gentlemen seemed to suppose, it served to fetter the

discretion of the House; but no such fettering could be seriously apprehended, because, whatever lists might be circulated, every member had still an option to vote for any gentleman whose name might be inserted, or to nominate another in his stead. But with respect to the motion before the House, it was, he must say, very incorrectly resisted upon the ground of precedent; for so far from its being contrary to precedent to add any member to a balloted committee, the cases were numerous where members were added to committees after their appointment. It frequently occurred so where members were out of parliament at the time of the appointment of the committee, and whose knowledge and labours were most desirable; many instances could be stated where members were thus appointed. This had been the case in the year 1715, when three members were subsequently appointed on such a committee. In 1773, Mr. Jenkinson, Mr. Langley, and Mr. Hopkins, were appointed in a similar way. In 1781, lord Graham had in like manner been introduced. There was, therefore, no question as to the propriety of this proposition on the score of precedent. The only question then was, whether the appointment of the hon. and learned gentleman to whom the motion referred would conduce to the object of the committee? In considering this question, it was clear that there could be no difference of opinion as to that hon. and learned gentleman's knowledge of political economy, while his assiduity and diligence were proverbial; and, therefore, thinking that such a member would be a most useful acquisition to the committee, he felt it his duty to vote for the motion.

Mr. *Canning* said, that as his observations on a former evening had been alluded to in his absence, which allusion, by-the-by, he could not help thinking rather inconsistent with the usual courtesy of the House, he felt it necessary to say a word or two upon the motion. What he had stated upon the subject of the system of ballot, in comparison with the proposal of nomination, was this, that the former afforded gentlemen a full opportunity of expressing their opinions, without stating their grounds of objection or preference towards any individual. It was upon this ground, distinctly, that he preferred the system of ballot. Now with respect to the motion before the House, he would abstain from saying any thing about the hon. and learned gentleman referred to, save only this, that he fully concurred in all that had been urged in the way of panegyric upon the great talents and attainments of that hon. and learned gentleman. But still he objected to the proposition for adding that hon. and learned gentleman to the committee alluded to, for he felt that such addition would be contrary to precedent. He believed there was no instance upon record of such addition to a committee already formed, unless with regard to some member, who might not have been in the House at the time of its formation, or whose peculiar qualifications might not have become known to the House until after the ballot. But neither was the case in the present instance, for the hon. and learned gentleman was a member, and perfectly well known to the House at the time the ballot took place. Yet the hon. and learned gentleman was not among the number chosen by that ballot, and therefore he could see no adequate reason for this proposal to proceed to a second election, upon the grounds stated by the worthy alderman and others. Upon those grounds he felt himself called upon to oppose the proposition for opening the committee, being fully persuaded, that if the addition now required were acceded to, it would not be the only one pressed upon the consideration of the House.

Mr. *Wynn* rose to say a few words, rendered, in his mind, necessary from the speech of the right hon. gentleman who had just sat down. The precedents he had alluded to before were precedents exactly in point, not precedents that fell under the description of those relied on by the right hon. member. He would mention the case of lord Finch and the chancellor of the exchequer, who, in 1715, were added to a committee. In 1773 the names of Mr. Jenkinson (the late lord Liverpool), Mr. Langley, and Mr. Hopkinson, were added to a committee of that House. In 1781 the name of lord Graham was added to a committee of that House. He would only say, that these gentlemen were all members of the House at the time the committees had been originally appointed, and this, he trusted, would be a sufficient answer to the ground of objection relied on by the right hon. gentleman.

Mr. *Barham* said, he was particularly desirous that the arguments of the hon. member for Yorkshire should not pass

without comment. The gentlemen on his side of the House had refrained from preparing any lists of members for that committee, or even putting any lists into the glasses, expressly with a view of showing to the country that they would not lend their aid in deceiving their representatives by so despicable a juggle as that of a ballot, which was, in effect, nothing less than a nomination by ministers. In the course of his long experience in parliament, he had known many lists to be prepared by the opposition, but never had he seen an instance in which any of them had been successful, or of the least use. The custom he therefore thought might as well be dropped altogether, and in this respect he thought the taunt of the hon. member for Yorkshire was the less fair, because the object of the gentlemen on the opposition benches had been to undeceive the public, and to place the subject before their eyes in its proper light. Of one thing he was convinced, that there was not a man in the country who did not think the hon. and learned member one of the very fittest persons to act on that committee.

Mr. *Martin*, of Galway, said, he had heard gentlemen on the opposition side of the House dwell very largely on the talents and the information of the hon. and learned member; but those qualities, in his mind, were not all that was necessary; nor would they induce him to accede to the present motion. He could conceive a gentleman at the bar, learned as a lawyer, but whom his majesty would not be advised to appoint to any judicial situation. He could conceive a case where a man might be very highly skilled in divinity, yet the ministers of his majesty would not be advised to make him a bishop. Government and the House had other considerations in view besides the appointment of the hon. and learned member; and though he would not deny him the praise, on the score of information and of talents, he would still vote against him. Precedents had been mentioned: he considered the matter should rather be decided by the discretion of the House; he felt that he had a right to use his discretion, and he would vote against the motion. Much had been said about the management of government in making out lists, but he verily believed that if government had been ever so anxious, it would have been out of their power to procure the nomination of the hon. and learned gentleman on the committee. He was not ashamed to say that government could not have induced him to vote for that appointment [a laugh, and cries of question!]

Lord *Morpeth* spoke in favour of the motion. He said, that in 1797, he had voted for the appointment of Mr. Fox to a similar committee, although at the time opposed to that great man's political opinions; and, in the present case, he would, were he on the other side of the House, feel the propriety of voting for the appointment of the hon. and learned gentleman referred to in the motion, from a conviction of that hon. and learned gentleman's peculiar aptitude for the situation, distinguished as he was for the highest abilities and attainments.

Mr. *Marryat* expressed his entire concurrence in all that had been said with regard to the great ability of the hon. and learned gentleman alluded to. Still he must say, that the question referred to this committee being not merely theoretical, but practical, he could not acquiesce in the proposition, that it was desirable to add the hon. and learned gentleman to that committee, as he did not conceive that gentleman to have had any practical experience. In his opinion, indeed, there were already too many theoretical, and too few practical men upon the committee.

Mr. *D. W. Harvey* said, that an hon. gentleman had thought fit to say, that a lawyer without principle, and a divine without piety, were not fit to be appointed on a committee of the House. As to the hon. and learned gentleman, he was a lawyer, not only of great learning and ability, but in other respects pre-eminently qualified to investigate the subject for which the committee had been appointed. It had been said, that gentlemen of the opposition had not done their duty; if the charge were true, surely they ought now to remedy the defect as soon as possible. It struck every man as extraordinary, that a gentleman pre-eminent for talents and industry, and singularly skilled in political economy, should not have been among the first on such a committee.

The question being put, "That Mr. Brougham be added to the committee," the House divided: Ayes, 133; Noes, 175. Majority against the motion. 42. The result of the division was received by the opposition with a loud cheer.

List of the Minority.

Abercromby, hon. J.
Allan, J. H.
Althorp, viscount
Anson, sir George
Aubrey, sir J.
Broadhurst, John
Beaumont, T. W.
Buxton, T. F.
Blair, J. H.
Barham, J. F.
Baring, sir T.
Barnett, James
Becher, W. W.
Bernal, Ralph
Bennet, hon. H. G.
Benyon, Benj.
Birch, Jos.
Browne, Dom.
Byng, George
Burroughs, sir W.
Calthorpe, hon. F.
Calvert, C.
Carter, John
Cavendish, lord G.
Clifford, capt.
Clifton, visc.
Coffin, sir J.
Colburne, N. W. R.
Colclough, Cæsar
Concannon, L.
Crompton, Sam.
Davies, T. H.
De Crespigny, sir W.
Denman, Thos.
Denison, W. Jos.
Dickinson, Wm.
Douglas, hon. F. S.
Duncannon, visct.
Dundas, hon. L.
Dundas, hon. G.
Dundas, Thos.
Davenport, D.
Ebrington, visct.
Edwards, John
Ellice, Ed.
Euston, earl of
Finlay, K.
Forbes, C.
Fazakerly, Nic.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fleming, John
Gaskell, Benj.
Gordon, Robt.
Graham, J. R. G.
Graham, Sandford
Grosvenor, Thos.
Grenfell, Pascoe
Griffith, J. W.
Guise, sir W.
Hamilton, lord A.
Harvey. D. W.
Heathcote, sir G.
Howard, hon. W.
Howorth, H.
Hughes, W. L.
Hume, Jos.
Hutchinson, hon. C.
Kennedy, T. F.
Lamb, hon. W.
Latouche, John
Lemon, sir Wm.
Longman, Geo.
Legh, Thos.
Leake. Wm.
Lyster, Rich.
Macleod, Roderick
Macdonald, James
Mackintosh, sir J.
Madocks, W. A.
Maitland, J. B.
Martin, John
Methuen, Paul
Maxwell, John
Milbank, Mark
Mills, George
Monck, sir C.
Moore, Peter
Morpeth, viscount
Newman, R. W.
Neville, hon. R.
North, Dudley
Newport, sir John
Onslow, Arthur
O'Callaghan James
Ord, Wm.
Phillimore, Dr.
Protheroe, E.
Palmer, C. F.
Pares, Thos.
Parnell, sir H.
Peirse, H.
Philips, George
Philips, Geo. jun.
Phillips, C. March
Price, Robert
Power, Richard
Ramsden, J. C.
Ridley, sir M. W.
Robarts, A.
Robarts, W. T.
Russell, lord W.
Russell, lord G. W.
Russell, lord John
Russell, R. G.
Sefton, earl of
Smith, Wm.
Smith, Geo.
Smith, Sam.
Smyth, J. H.
Stuart, lord James
Tavistock, marquis
Taylor, M. A.
Tierney, rt. hon. G.
Waithman, alderman
Webb, Ed.
Wharton, John
Whitbread, Wm.
Wilkins, W.
Wilson, sir Robt.
Wood, alderman
Wynn, C. W.
Wodehouse, Ed.

TELLERS.
Calcraft, John
Lambton, J. G.

FINANCE COMMITTEE APPOINTED.] Lord *Castlereagh* rose, pursuant to notice, to move for the appointment of a Select Committee to inquire into the Income and Expenditure of the country. In moving for the appointment of a committee of finance, though it was that which had so repeatedly been done within the last few years, he was far from considering what he was about to submit to the House as a matter of course. He felt that he owed to them some explanation of the reasons why he recommended it in the present instance, and to afford a view of the general outline of the plan which ministers intended to submit, and to pursue in the course of the session. They would undoubtedly expose themselves to a great deal of just reproach, if the only measure of economy they had in contemplation was that which had been occasioned by the change in the Windsor establishment. The House would, of course, be anxious to have the general estimates laid before it; and as they were embraced in a very narrow compass, it would not be necessary for him to claim their attention for any considerable length: his principal object would be to touch upon those points, the details of which would subsequently come under the notice of the committee. He wished, in the first instance, to protest against the appointment of the finance committee being considered a matter of course in each succeeding session; on the contrary, he held such annual nomination to be an abuse of one of the most important powers of the House, which ought only to be exercised upon particular and special occasions. When, two years ago, he had adopted the same course he was now pursuing, he had stated that the then condition of the country required it; and he added, what the result proved, that the country might be satisfied that there was a gradual improvement in the financial circumstances of the country, and that, ere long, a growing surplus of revenue as compared with the expenditure would be discovered. At that time, his hon. friend the member for Bramber, had expressed some alarm, because he (lord Castlereagh) had admitted, that he was not sanguine enough to hope, that, in the course of that session, the committee would be able to establish so flattering a result, by accomplishing all the objects

†

intrusted to it. In fact, he had thought that two or three years might be required before the nation was able to ascertain, with any degree of precision, the fair bearings of its financial resources, and before an accurate balance could be struck between those resources and the annual expenditure. He now felt great confidence, that at the termination of the labours of the committee he was now about to propose, it would be found that there had been that growing surplus of which he had spoken, and that the balance in favour of the income had been created not merely by reducing the expenditure, but by the progressive advance of the various sources of revenue. His motive for moving for the committee so early was, that it might proceed with its deliberations without delay, and that the House might be in possession of a report that would show the real situation and fair prospects of the country. Most members would probably be aware, that any report relating to the comparative income and expenditure of the April quarter could not be prepared until towards the close of the session. He would much lament if the House were to separate without it; but at least, long before that period, a report applicable to the January quarter might be prepared, and the comparison, he was persuaded, would be more satisfactory: at all events, it would give a more perfect notion of our real situation in point of finances, than could otherwise be obtained. The first important point was the income of the country; and he would simply state the amount of the receipts, comparing the quarter ending on the 5th Jan. 1818, with the quarter ending on the 5th Jan. 1819. The receipts on the former were 51,665,458*l.*, and on the latter 54,062,000*l.* showing an increase upon the quarter ending 5th Jan. 1819 of 2,397,000*l.* It was material, however, to observe, that upon the sum he had first named, there were certain arrears of war duties on malt and property considerably beyond 2,000,000*l.*, which reduced the income up to the 5th Jan. 1818, to 49,334,927*l.*, while the arrears of the same taxes up to January last amounted only to 566,639*l.*; so that the produce of the permanent taxes for the latter quarter was in truth, in round numbers, 53,497,000*l.*, being an improvement in the whole of 4,163,000*l.*, deducting from both the amount of the arrears of each. Honourable members were likewise most probably aware, that a considerable amount of sugar duty had been admitted into the receipts for Dec. 1818, which in fact belonged to the revenue of the preceding year, and which ought, therefore, to be added to the produce of the sugar duties of 1819: this would take a considerable sum from the nett produce of 1818, and reduce it to 48,724,000*l.*, while that of 1819 remained at 54,062,000*l.*; the difference, allowing for some other comparatively trifling deductions, would be 5,328,000*l.*, or not less than an increase of 10 per cent upon the ancient permanent taxes [Hear, hear!]. It was impossible to announce to the House a more encouraging prospect than this state of things afforded: the increase on a revenue on 54,000,000*l.* was no less than 5,300,000*l.* Another satisfactory circumstance, well deserving notice was, that the increase was not upon any one article that might be supposed to have taken a sudden start, but upon no less than between thirty and forty of the articles which consituted the excise account; indeed, there were only one or two articles, and those comparatively insignificant, on which there was not a sensible augmentation: on bricks and tiles for instance, the employment of which unequivocally marked the wealth of a country, there was an increase of duty nearly amounting to one half. The last committee subtracted the amount of the sinking fund, and the expenses of the nation from the actual income, thinking it a question between the operation of the sinking fund on one hand, and the increase of debt on the other: and in their last deliberation they took the best prospective view circumstances would allow of the income and expenditure of the year 1819; and they thought that they might safely assume that the income of the country would be 52,500,000*l.*, and the expenditure 51,087,000*l.*, leaving a nett surplus of 1,413,000*l.* at the end of the year. Comparing this anticipation in May last, with the fact, as it now turned out, it was obvious, that the income, instead of being 52,500,000*l.* was 54,062,000*l.* or 1,400,000*l.* better than had been calculated upon. As to the expenditure, the finance committee had stated it at 51,087,000*l.*; but the estimates now before the House showed that it was only 50,442,000*l.*, or about 650,000*l.* less than the sum expected. Adding, therefore, the reduction by economy of 650,000*l.*

to the improved revenue, it appeared that the country was now in a better situation by 2,145,000*l.* than the former finance committee had ventured to anticipate: and adding also to that sum the 1,413,000*l.* on which the finance committee had calculated, a total surplus of not less than 3,558,000*l.* was the result, applicable to the reduction of the debt of the nation. [Hear, hear!] Out of that the amount of interest on the loan was to be provided for. This, of course, must be taken as a charge upon it; for it need not now be stated by him, that his right hon. friend had no intention of proposing any additional taxes. The interest on the loan amounted to 1,000,000*l.* which still left 2,500,000*l.* of a surplus revenue. But it was to be taken into consideration, that the revenue promised to be more productive than had been calculated on. Even in the one month of the year which had already elapsed, there was an increase, compared with that which preceded it, of 300,000*l.* or 350,000*l.* If, as might be expected, this increase should continue, it would not be too much to reckon it at 1,000,000*l.* on the whole year, which would bring the surplus revenue again to 3,500,000*l.*, applicable to the reduction of the debt. If the finance committee, on examining minutely all the details, should report that such was the fact, the House would feel ready to allow, that the great objects for which that body had been appointed had been brought to bear. God forbid he should be understood as asserting, that they had been brought to bear to the extent that sound wisdom might at a future period justify, or to the extent that was consistent even with that manly vigour which had always distinguished the policy of this country, in meeting the emergencies of the state; but undoubtedly one great object would have been accomplished, under Providence, in the bright and cheering prospect thus displayed to the nation. If tranquillity were preserved, if the industry of the inhabitants were unabated, if the same manly spirit of perseverance by which they had long been characterised were pursued, the happy augmentation of the revenue to which he had referred, would not only mark the last, but succeeding years, and a growing surplus might terminate in a mitigation of the weight of some of the most severe and oppressive taxes it was yet found necessary to continue. Thus the two ends of income and expenditure would meet, and the surplus would be applied to purposes of general alleviation.

He would now touch those points on which ministers had the satisfaction of feeling that subsequent reductions might be affected in the present condition of the country. He expected to be told, that in this respect the nation was more indebted to the good advice offered on the other side of the House than to the uninfluenced determination of government. He never should be disposed to slight, much less to reject, good advice; on the contrary, he would devote himself most religiously to profit by it, to the utmost of his ability; but the House would not forget that some essential changes had taken place, at home and abroad, which induced ministers to think they might now carry into effect that economy, which would not have been wise or provident, until they could see distinctly the consequences to which it might lead: they could not earlier justify taking upon themselves so heavy a responsibility. The policy of the steps they had now taken might be the subject of future discussion, but at present it was only necessary for him to state a few important facts. The finance-committee had taken the military estimate at 8,967,000*l.*, assuming a decrease of 300,000*l.* on the return of the British army from the continent; for the House would be aware, that a considerable sum must be devoted to the allowances of half-pay and pensions to the officers and soldiers whose services were no longer required. The committee had taken the expense of the army at 8,967,000*l.*, exclusive of the 300,000*l.*; but he was happy to state, that ministers felt themselves enabled to take it at 8,700,000*l.*, inclusive of the 300,000*l.*; so that the difference in favour of a greater saving of the public money was 567,000*l.*, and the whole charge was covered for 267,000*l.* less than the finance-committee had calculated. On the navy estimate, there was a reduction of 100,000*l.*, and the same saving in the ordnance department. There was, however, an expense to which the attention of the House ought to be called—not of a permanent nature, like that of Chelsea hospital, but temporary; and occasioned by the pay of regiments for broken periods. It was almost always impossible for ministers to reduce the regiments most within their reach. Some were at a considerable distance from home; a

change of cantonments was requisite, and this and other circumstances which it was not necessary to detail, occasioned an expense of about 330,000*l.*, 100,000*l.* being connected with the transport department: this expense of 330,000*l.* was, however, as he had said, only temporary, and was all that parliament would be called upon to vote, connected with the topic of military reduction.—He would now state the amount of the reduction in point of men, taking the rank and file: the army in France, consisting of 20,126, had been reduced; of the troops voted last year for home service and for the colonies, there had been a reduction of 9,402, and in the artillery of 2,035, making altogether a diminution of 31,563 rank and file, exclusive of officers. There was one circumstance of which the House ought never to lose sight; and it was this —the annual expense was stated to be 16,237,000*l.*; but the whole of this, nor any thing like the whole of it, was not paid for troops actually on foot; for a large part, 4,358,000*l.* went to pay debts of gratitude to officers and soldiers, for services they had rendered their country; so that the direct expense of the army could not be stated so high as 12,000,000*l.* The pensions and other gratuities were constantly falling in, and the amount thus annually saved could not be calculated lower than 130,000*l.*, or 140,000*l.* These rewards, although a heavy charge, were always paid with the utmost willingness to the defenders of the country, by sea and land; but they ought not, in making a calculation, to be left entirely out of the account.

The noble lord admitted, that if this were a deduction of prosperity merely drawn from the alleviation of the burthens of the nation, the prospect would not be by any means so enlivening; but it was peculiarly satisfactory to trace the growing resources of the country to the industry and every thing that constituted the real and solid wealth of a people; they were an unequivocal indication of the prosperity of the great mass of the population, and of an elasticity and vigour much greater than could have been expected after the struggles the country had had to sustain. A general, but a mistaken, supposition had been entertained some short time ago, that a great deal of commercial distress prevailed; that the exports had been most materially reduced; that the ports of the continent were shut, in consequence of the want of commercial treaties; in short, there was a prevailing notion, that owing to some supineness on the part of ministers, the commerce of the country had sustained a severe and perhaps an irreparable shock. Yet how did the fact stand? Did the returns at all verify the gloomy conclusion? On the contrary, they directly contradicted it, as the House would perceive by a statement of the official value of the exports: he referred to the official value as distinguished from the real value; which, of course, fluctuated from year to year. The official account took the exports at an assumed value, and was rather to be deemed a statement of quantity than of value. He would call the attention of the House to that part only of our exports which was most important, as it regarded the true interests of the country; British produce and manufactures; and the comparison would extend to the four last years. It was with unfeigned satisfaction he had to observe, in the first instance, that the last had been the most splendid year ever known in the history of British commerce [Hear, hear!]. It even exceeded 1815, when the commerce of the country had gone beyond its predecessors to the amount of not less than 10,000,000*l.*—a rapid advance that was considered by some persons as forced and unnatural, as owing to temporary causes that would not afterwards operate. He was obliged to make the calculation upon the three first quarters of each year only, as the returns from the out-ports up to the 5th of January last had not yet been made out. In 1815, the official value of British produce and manufactures was 35,231,000*l.*; in 1816, 28,827,000*l.*; in 1817 (the year when it was asserted that the nation was commercially ruined, and the continent shut against us) 32,000,000*l.*; and in 1818, 35,325,000*l.*, being nearly 100,000*l.* beyond the year 1815, the great excess of which was assigned to temporary, fallacious, and unnatural causes [Hear, hear!]. He trusted, therefore, that such a view of the state of the commerce of the kingdom was calculated to dispel the gloom which some had promoted in ignorance of our real condition: of course, he was far from wishing by such a representation to abate exertion in the same beneficial course; his object was, to remove misapprehension, and to show how mistaken those

dreary, desponding politicians were, who described the country in a condition, contradicted by the plain statement of facts—to prove, beyond a doubt, that there was neither now, nor at any time, any sound reason for maintaining, that, with a proper management of her finances and resources, Great Britain could not support herself in the pre-eminent situation she had so long filled among the great nations of the world. The prospect of the future was as cheering as the retrospect of the past was glorious. After the finance committee should have inquired into all the details of this important subject, would be the time for the House to decide upon it. But he felt the utmost confidence, that the result of its inquiries would confirm all he had advanced, and would warrant the utmost confidence in the inexhaustible resources of the British empire. When once it had gone through the labours he now intended to impose upon it—when once its report was made, and in the hands of members, it would serve them for constant reference on the vital subjects of which it treated, and would in all probability render unnecessary the re-appointment of the same body, at least for some succeeding sessions. The report would afford a distinct view of the financial arrangements and condition of the nation; and although no man could say that the alteration of circumstances might not disturb the prospect of gradual increase, yet it would be of a nature so permanent and perspicuous, that it would point out all the landmarks of the financial situation of the country (if he might so say), which would not be removed by any events that human foresight could contemplate. At least no slight variations from session to session could probably render a recurrence to a finance committee necessary; and though he did not pledge himself that it would not be expedient, yet it would be a departure from the old and wholesome practice of parliament, and from the sound principles of the constitution. The delegation of such high powers, as he had before remarked, ought not to be resorted to but on important emergencies: most assuredly an annual appointment would be highly impolitic and injurious. With regard to the selection of the members, it was not his intention to make any changes, but such as circumstances rendered absolutely unavoidable. He should suggest the re-appointment of those gentlemen who had formed the last finance committee, with the exception of two, of whose services the House was at present deprived. He need offer no other reason for such a re-appointment than the acknowledged information they had acquired, independent of the claim which they derived from the exclusive merits of their previous labours, and which rendered them so peculiarly fit for the important duty about to be assigned to them. The House was aware that sir Thomas Acland and Mr. J. P. Grant were not members of the present parliament: instead of the first, he should therefore propose to insert the name of sir George Hill to represent the interest of the sister island; and instead of the last, that of Mr. Smyth of Cambridge.—The noble lord concluded by moving, "That a Select Committee be appointed to inquire into and state the Income and Expenditure of the united kingdom for the year ended the 5th of January 1819; and also, to consider and state the probable Income and Expenditure, so far as the same can now be estimated, for the year ending the 5th of January 1820, and to report the same, together with their observations thereupon, to the House; and also, to consider what further measures may be adopted for the relief of the country from any part of the said expenditure, without detriment to the public interests."

Mr. *Tierney* regretted, that as the noble lord had gone into such detail, he had not given previous notice of his intention to do so, for no man who had heard the notice of motion for the revival of a finance committee, such as had existed in the last parliament, could have supposed at the time that such a motion would be accompanied with the opening of the budget for the year. He, as well as the House, were taken by surprise in this instance. He was not, therefore, prepared to follow the noble lord into a minute examination of all the items, but would give to the House such observations as occurred to him on hearing them. He was rather surprised to hear from the noble lord an insinuation that the present might be the last occasion when the exertions of the committee would be required—he meant such a finance committee as seemed to have been first intended, and was really necessary; but if the committee which was then about to be appointed was to be only of such a description as the last—if

it was only to receive from the government certain budgets, and send them back to the House as their reports, he thought it was of very little consequence whether they were continued or not. They might as well be got rid of all at once. They were, in fact, little more than the echo of ministers on all the accounts which were sent up to them. They consisted for the most part of ministers and their friends, with a few gentlemen from the opposition side of the House, who seemed to be stuck in, by way of garnish: indeed, that they were more dictated to than dictating, might be easily inferred from the extreme readiness with which they offered their acknowledgments to ministers, on those occasions where any suggestion of theirs was attended to. They were quite a different body as to the object of their association and research, from what had been originally intended. A finance committee should not confine itself to dry reports of what was or what was not the amount of certain branches of our revenue, but it should inquire what was the amount of the reductions which it was possible to make. With this kind of inquiry, however, the committee did not seem to have given itself any trouble for the last two years; and if one might judge from what they had done, it would seem that the whole and sole object of their appointment and continuance, was, to hold out splendid promises of future prospects, without endeavouring to realize any thing advantageous for the present. They were quite different from the finance committee, of which the predecessor of the Speaker, the present lord Colchester, had once sat at the head. They were quite different from another celebrated finance committee, and, in fact, from any finance committee, having for its object an inquiry into the different branches of the public expenditure, in order to ascertain how and where the greatest savings might be made. Their reports were only budgets by anticipation, but the noble lord's speech had anticipated those anticipations. In fact, that speech was made that itself and its accounts might be set down in black and white; and the House would find the whole of them detailed to it, in about a fortnight's time, when the first report of the committee should come down. Instead of any new reductions suggested, they would find only a dry detail of what might be expected on that score, at some future period. The noble lord had talked a great deal, and built most sanguine expectations, upon what he called the present flourishing state of trade. He was not prepared to deny (not being equally well armed with the several accounts and figures as he seemed to be) that the noble lord's statement was well founded. But if the noble lord was right, all the merchants with whom he (Mr. Tierney) had conversed on the subject, and the number was by no means small, were wrong; for every one of them, to a man, had taken quite a different view of the question. — Without going at present into a very minute examination of this alleged prosperity, might not a great part of it be traced to the immense paper issues? The manufactures were likely to flourish; but there were two things to be taken into that account: capital was plenty—he spoke of capital, paper so called—and labour was cheap; put both those circumstances together, and the glowing picture which had been drawn might be accounted for. He would ask whether that could be called a flourishing state of trade which rested upon such bases? He should be told that this was speaking theoretically. He did not mean to rest it upon theory, nor even upon the opinions of the practical gentlemen on his side of the House; but he would have it explained by some of the practical gentlemen opposite. They might settle the matter satisfactorily, at least their experience would bear out his assertion.— He now came to the substantial part of the noble lord's speech — the improvement in the revenue. He agreed that there was a great improvement, and he congratulated the House and the country upon it. It was, however, only what they had been taught to expect by the anticipations of the finance committee, but he would take it as it was stated. The noble lord said the total sum in which the revenue of this year exceeded the preceding was 5,300,000*l*. The noble lord might be right, and he (Mr. Tierney) wrong. But he wished to see what was the exact sum which would be available for the present year. He looked upon the total sum not as 5,300,000*l*. but as 3,400,000*l*., from which there was to be deducted 1,000,000*l*. There would then remain only 2,300,000*l*. which could be calculated upon. Admitting this sum, and even a little more, how did it bear out the argument which was founded

upon it? The noble lord had said, that the income and expenditure would meet, and that there would remain a surplus. There never was a stouter assertion than this, nor one which was more calculated to give general satisfaction to the House and the country, if it could be proved. But the noble lord, in building up this argument, and drawing so happy a conclusion from it, had thrown out of his view altogether the sinking fund — that which he could not but imagine was a burthen to the country. This he conceived was a delusion on the part of the noble lord; and it would be a most complete delusion on that of the House, to imagine that this question of a budget could be fairly discussed without including the sinking fund. In order to put the matter in a way in which it would be more intelligible, he should take it thus:—He took the surplus of the consolidated fund, after considering the income as opposed to the charge upon it, to be 214,000*l.* But did the noble lord state what was to be done with this? He would explain the matter. There was an old debt upon that fund of 8,300,000*l.*; upon this the noble lord was also wholly silent. Then he (Mr. T.) should say, that before one farthing of the surplus of that fund could be made available to the expenses of the current year, the whole of the old debt upon it must be wiped off. If, then, this sum or surplus were added to the debt of last year, there would be an improvement in this year of 2,000,000*l.*; and on the 5th of January, 1820, all the advance which the country would have made would be to get clear of the old debt. It was, evident then, that this surplus of the consolidated fund could not be taken into the ways and means of the present year; and what was to be taken into those ways and means? There were the land and malt tax, the war and excise taxes, and the lottery; the whole of which would not, after deducting all expenses of collection, exceed more than 7,000,000*l.*; that was the very outside of the whole amount of income towards covering the expenses of the army, the navy, the ordnance, and the miscellaneous services. Beyond those 7,000,000*l.* there was nothing else that any one knew of. He might, perhaps, except the million which was due from France, and which the country were led to expect would be paid upon the evacuation of the French territory. He would ask the right hon. the chancellor of the exchequer whether that sum was likely to be forthcoming this year? He presumed, as the right hon. gentleman did not make a sign, that that sum could not be calculated upon. Well, then, how was the difference between the income and the expenditure to be supplied, or how would the noble lord support the argument that both ends would meet—that the income would be equal to the expenditure, and that there would be a surplus? But then they were told there were to be reductions. The noble lord said he should be glad to take advice where he could with propriety. He (Mr. Tierney) would be much obliged to the noble lord for attending to his advice, and glad if it produced any impression. But he believed he might say with truth on this, as well as on another occasion, that it was the late general election which had produced the impression. He did not suppose for a moment, that his advice, or the advice and wisdom of Seneca, would have produced any impression on the hon. gentlemen opposite, if not supported by the countersign of the public. It was the recent strong and general expression of public opinion, the unanimous calls for economy from one end of the kingdom to the other, which had made an impression on the noble lord and his colleagues, and to which was due any forced effort of theirs to economise. He had not himself called last year for any particular reduction, but those with whom he had the honour to act did. They asked for a reduction of 5,000 men in the army at home and in the colonies. The demand astonished the noble lord and his colleagues—a reduction of 5,000 men! it was monstrous; nobody ever heard of such a thing under the circumstances; but the voice of the people echoed the demand. The call for reduction was heard in every part of the country; and what was the consequence? What might naturally have been expected—not only the reduction of 5,000 men was agreed to, but ministers themselves came forward to propose that 9,000 should be reduced besides the army in France [Hear!]. It was not, then, to the economical dispositions of ministers, which we owed these measures, but to the effect of that necessity which they could not control. It should be recollected that there was little reduction in the navy; but in the army, the navy, and the ordnance, the whole sum expected to be saved would amount

to no more than 400,000*l.* He would admit that the saving really made would be more; but from the circumstances which the noble lord had mentioned, the full sum of 700,000*l.* saved in those branches would not be available this year. However, supposing the whole of the reductions to make the expenditure this year less by a million than that of the last, there would still remain an expenditure to be provided for amounting to 20,000,000*l.* He spoke from recollection only, but he took the expenditure of last year to be not less than 21,000,000*l.* Then, admitting 1,000,000*l.* less for the present year, how was it to be met? He had shown, that the chancellor of the exchequer had not ways and means that any person yet knew of, exceeding 7,000,000*l.* How were thirteen more to be made up? For after all the reductions, there would still remain that sum to be provided for. How could any man in his senses say, that with an income of only 7,000,000*l.*, and an expenditure of 20,000,000*l.*, both ends would be made to meet, and a surplus left? It was a mere juggle to assert such a thing, and a juggle which he did not suppose there was a man in the House or country who would not treat as such. Where was the sinking fund, or what had been said about it? It would be said that there was a sinking fund of 14,000,000*l.*, at least it would soon be nearly that sum; but to support it, it would be necessary to borrow 13,000,000*l.* Arguments founded upon the strength of that fund, as applicable to the public service, would be a gross delusion. Yet it was a delusion which had long been practised. It was a delusion which had been and would still be supported by the finance committee. They would say that our expenditure was so much, and our income (putting the sinking fund as it were in a parenthesis) was so much. But how did that apply to the real income with which the expenditure was to be met? The fact, was, there was only a sum of about 260,000*l.* which could be looked on as a surplus, and of that he had spoken before. He begged to be understood as not meaning to object to the principle of a sinking fund. He had always been one of its most warm supporters. But it was absolute mockery, down-right delusion, to talk of the advantages of a sinking fund, whilst the government was obliged to borrow a sum of 13,000,000*l.* a-year to support it. Then, what was to be done? He would not say, that faith should be broken with the public creditor; but he did say, that the system which had been and was still pursued by ministers, would lead to that or to some other measure equally dangerous. He should again ask—for in looking at this crippled state of finance, the question naturally arose—how, under such circumstances, could the Bank be expected to pay, while government were confessedly unable to make good their engagements to them? And yet in this very state of things, the right hon. the chancellor of the exchequer was about to call upon them that night to vote 24,000,000*l.* of exchequer-bills in one line, without coming to the point of whether that would relieve the country from its difficulties. Would the House consent to this? Would they allow ministers still to go on in the same way without looking to the consequences to which it must naturally lead? He trusted not. But he would tell them, that if they did grant the sum now demanded, they would find that next year the same plan would be continued, if, indeed, before that time it did not destroy itself. Would the noble lord say, with these facts staring him in the face, that the country was in a most prosperous state, that we were going on flourishingly, and were the astonishment of the world? He conceived that, instead of being in a prosperous, we were absolutely in a frightful situation; and if the world looked upon us with astonishment, he should only say, well they might, for he believed that never at any period did we present such a melancholy picture of financial derangement—going on borrowing year after year, in time of peace—and flattering ourselves that we had a sinking fund to bring us out of our difficulties, when in fact we were obliged to support that, by still borrowing. He did not mean to deny, that if peace were of long continuance, the country possessed resources which, if properly applied, might bring us out of our difficulties. He was as sanguine on that head as any member of his majesty's government could be; but suppose a war should arise—what was then to be done? The chancellor of the exchequer might as well think of raising the dead as of raising another large loan. He would then have recourse—for that would be his only remedy—to some measure of excessive taxation, or to that false kind of currency,

paper, the mischievous effects of which, had already been experienced. He knew that in case of emergency, the people, to a man, would be willing to share their resources, and contribute to the general relief; but they would perhaps be the less inclined to do so, when they recollect that their loud and repeated calls for economy had long been disregarded, at a time when they might have been attended to with effect. They would prove a faithful and powerful resource in time of need; but then they required that government should stand by them, and not deny their calls for economy when they could be answered. Would the House now consent that 12,000,000*l.* should be borrowed? Would they be satisfied to vote 24,000,000*l.* of exchequer bills in a breath; to go on in the fourth year of peace in the same manner as in time of war; and if they did, how would they be prepared to meet any sudden difficulties which might arise? They would take the consequences. He was not prepared to take the sense of the House upon the vote which the chancellor of the exchequer would propose in the course of the evening, but he thought it would be doing him a service if he did. He thought that, if the House came to the chancellor of the exchequer's assistance now, they would prevent the consequence which would follow from the present system. He would not have them come to a vote for a large sum at once, for then they might depend that nothing like a reformation in that system would be thought of; or if at all, it would only be at a period of the session too late for inquiry. He would (and he thought the House could not adopt a better plan), only allow him a certain sum weekly for the public expenditure, until the result of the committee should be known. In that case alone might they expect to derive any real benefit from the committee. Unless some such step were taken, they might as well erect a paper mill in the centre of the House, and send to a committee to inquire how it might be prevented from working, as to inquire how the present system was to be checked or reformed. Why should not the right hon. the chancellor of the exchequer proceed at once to some decisive measure? Why?—because it would lead to a public inquiry. And why not go to a public inquiry?—because it would lower the price of stock. And why not lower the price of stock?—because that would make a certain set of gentlemen angry. [Hear, hear!] These were the reasons which the right hon. gentleman urged, though not in as many words, but in point of fact they were his reasons; and they showed the kind of thraldrom in which he was kept by men whom he had allowed to have an almost unlimited control over him. He did not mean any of these observations to apply to the right hon. gentleman as an individual, for he looked upon him only as the organ, and he was the most faithful organ, which a besotted administration, on the subject of finance, ever possessed; but he applied them collectively to the whole body of ministers acting together. To their united wisdom, if he might so call it, he would say, that the question then before the House was, and he hoped the House would bear it in mind, whether we at present wanted 13,000,000*l.* to make both ends meet? We were not to consider whether we imported a greater quantity of sugar, or of tobacco, or any other article, this year than in the last; nor whether it was a good apple year, or a bad apple year; but what we were to do to get out of those difficulties in which we had been involved—how the chasm in our finances was to be filled up, and what means were to be resorted to, to lessen our expenditure; for unless that was done, it would be useless to think of applying any remedy. It appeared to him to be perfectly evident, that ministers must do something with respect to the sinking fund; because, if they did not, the system would not any longer be endured. But then he was to be told, that this something was to be effected by the committee. It was notoriously the noble lord's organ, and, beyond a doubt, would again support, as it had supported before, the views which he had taken, and the prophecies which he had uttered on the subject. He could not see any reason why the people were to be taxed 14,000,000*l.*, when 12,000,000*l.* were to be borrowed; and could only consider it as another insult which was to be offered them. He then animadverted on an observation which had fallen from the noble lord, on a previous occasion, and which purported that the chancellor of the exchequer would not want any loan, that is, any unfunded loan for the present year. He said that he did not know how to believe this assertion; it appeared to him

that if it were correct, they would want more for the next year. The system on which ministers were proceeding was one against which he must protest, inasmuch as artful men were making large sums by it, whilst the bulk of the people were consigned by it to ruin.—He had nothing to add to what he had already said, except to thank the House for the indulgence with which they had heard him. He had not intended to have entered into many of the subjects on which he had that evening touched, when he began his speech; but he had been inevitably forced into them in the course of it. In some of his details he might, perhaps, have been incorrect; but if he had been so, he hoped that the House would excuse him, on account of the unexpected manner in which he had been necessitated to venture upon them.

Lord *Castlereagh* explained, that when he had said, that both ends of the income and expenditure met, he did not mean to cover the sinking fund; he merely alluded to the actual receipt and direct expenditure of the current year, without touching on the sinking fund. If any delusion were practised, it was by the right hon. gentleman who would endeavour to make the country suppose the existence of a state of things which would enable ministers to redeem the public debt at the rate of fourteen millions annually.

Mr. *Tierney* did not believe that the noble lord meant any such thing. What he contended was, that by leaving all mention of the sinking fund out of this statement, the noble lord had afforded an opportunity for the dissemination of error on the subject.

The *Chancellor of the Exchequer* began by defending the finance committee from the attacks of the right hon. gentleman. He conceived the country had been very much indebted to the labours of that committee. Many sinecures had been abolished, and much reduction had taken place in the military and naval expenditure of the country in consequence of their recommendations. Without detracting from the merits of the members of his majesty's government, who adopted, on the recommendation of the committee, such measures as they considered practicable, and of real benefit to the public—without detracting from them, still it was proper to bear in mind, that the hands of the official government were very much strengthened in many of these measures by the reports of the committee. He certainly did not mean at present to enter largely into the subject of their reports—those reports would furnish matter for future deliberation. But he would recommend them to the perusal of members, and from them the House would be better able to judge whether the committee had really answered those purposes of economy for which they were appointed, and assisted the judgment of the House as to what retrenchment was practicable in our expenditure. It was true, there were some branches of expenditure into which they had not yet entered, and particularly some branches which had been alluded to by the right hon. gentleman. But these branches had not escaped the committee, though they had yet been occupied on other subjects. With respect, for instance, to economy in the collection of the revenue, and diminishing the present deduction from the gross revenue of the country, this furnished of itself a very considerable branch of investigation. The committee anticipated that the revenue of the year ending 5th of January last, would exceed the expenditure by two millions and a half. It had so happened, however, that the revenue had actually exceeded the expenditure by four millions, and the estimate of the committee by one and one half millions. It had exceeded in a still greater degree the revenue of the former year. But the right hon. gentleman finding that that statement exhibited too flourishing a view of our condition, had brought into his view certain particulars which could not enter into a fair comparison. The chancellor of the exchequer then entered into an account of the effects produced on the general finances of the united kingdoms, by the consolidation of the Irish and British exchequers, with the view of meeting some arguments of the right hon. gentleman, but from the low tone of his voice we were unable to collect the particulars of his statement. We understood him to say, that the right hon. gentleman, in his estimate of the consolidated fund, had not made sufficient allowance for the surplus in Ireland, which he believed was not less than 600,000*l*. Interest was only charged in the Irish accounts on that part of the Irish debt which was funded in Ireland. The right hon. gentleman had next adverted to the view taken by his noble friend, of the actual receipts and expenditure of the

country. His noble friend had followed the course pursued by the finance committee, and confined himself to the actual receipts and expenditure of the country; but the right hon. gentleman had taken the whole charge of the consolidated fund and the sinking fund, and had then shown that our expenditure had considerably exceeded our receipts. It was impossible but the expenditure, in this view, must have considerably exceeded the revenue, as so considerable a part of the war taxes had been abolished. A part of the revenue, amounting to more than fifteen millions, had been at once repealed. Had this amount of taxation not been repealed, the right hon. gentleman would have found that the revenue would have considerably exceeded the whole of the charge. When these taxes were abolished, two courses were open to parliament. It was undoubtedly then competent to parliament to consider whether they would proceed by rapid and energetic measures to effect the reduction of the debt, by continuing the whole of the war taxes, or to proceed in the way which had been adopted, in effecting the reduction of the debt more slowly, by repealing a great amount of taxes. One or either of these courses could have been adopted; but it was impossible for ministers both to repeal a great amount of taxes, and at the same time effect a rapid reduction of the debt—they could not reconcile impossibilities—they could not both effect an immense payment of debt, and relieve the public from heavy taxes. Parliament had thought fit to relieve the country from fifteen millions of taxes, and thus they necessarily and unavoidably, by their own act, prevented the effect which would have been produced in the redemption of debt by these fifteen millions annually. Parliament had chosen to do this—he would not say they had acted unwisely—but they had chosen to do it, contrary to his recommendation [Hear, hear!]. But it would appear from the speech of the right hon. gentleman, that he was an advocate for a more vigorous system of taxation. However, it was thought by parliament that a reduction of such an amount of taxation would more than compensate for the non-redemption of debt, by the relief which it would afford to the country in its distressed state. It was evident, however, that this plan of repealing so great an amount of taxes, and trusting to a gradual and slow reduction of debt, by the subsequent improvement of the revenue, required a long continuance of peace. We had now ascertained that that improvement had commenced which was calculated on, and that we were now making a progress in the reduction of our debt, and his expectation was, that the reduction would be greater, from year to year, from the improvement of our resources [Hear, hear!] Whatever the right hon. gentleman might think, he would ask, if any man could have foretold—not in 1792—but even at the commencement of the war in 1803—that that war would continue so many years, and leave us with a debt of eight hundred millions—that he could possibly have imagined in every year after the peace some part of the debt would be reduced, and that in the third year there even would be a clear surplus of three or four millions a-year beyond the expenditure? This would not only have been beyond the hopes of any man at that period, but would indeed have seemed to be beyond the bounds of possibility. Such, however, was the real state of the case, even after the abolition of seventeen millions of annual taxes. With respect to his plan of operations for the present year, he could only answer the right hon. gentleman, as he had answered an hon. member some nights ago—he would not prematurely tie up his own hands, but would reserve to himself the power of adopting those measures, which the situation of public affairs rendered most expedient. He should certainly endeavour to select such measures as, in the judgment of his own mind and in that of his colleagues, should seem most advisable. He was happy to be able to assure the House, that the revenue continued in the same flourishing state. From the rapid progress it had lately made, the prospect for the country was most favourable. Last month the revenue had exceeded that of the same month of last year in nearly as great a proportion, as that of the same month of last year had done that of the year preceding. He confidently trusted, therefore, that the revenue of this year would at least keep up to that of last year. He trusted that he had afforded the right hon. gentleman and the House all the explanation which they wished for at present; further details he should be ready to give in the committee.

Mr. *Ellice* said, he should not now have

risen to consume the time of the House, but for the confident tone in which the noble lord and the chancellor of the exchequer had spoken of the state of the commerce of the country. According to the noble lord, it appeared from our account of exports and imports, that the exports of this year had exceeded those of any former year, excepting 1815. In 1815, the great amount of exports was owing to the particular state of this country and of trade at that time. Our warehouses were then full of all sorts of colonial goods, which had come into this country from the enemies colonies, and which, on the return of peace, necessarily went to the continent; and the markets of the continent were also bare of our manufactured goods. All the goods of the enemies colonies must have found their way to the place of consumption, and that place of consumption was the continent. Since that time, the trade we had derived from the sources alluded to had failed us. We had restored to other powers those colonies; and, at that particular time, too, the continent was making an effort to resume their manufactures, which had, in a great measure, been destroyed, in consequence of the war. Having drawn the attention of the House to the circumstances of 1815, he would now advert to those of 1818. Now, as to the cause of the increase of trade in 1818, the chancellor of the exchequer could best inform the House. He had, in fact, created that trade by his loans from the Bank, and his excessive issues of exchequer bills, which forced the Bank to extend their issues, and enabled every man who wished to extend his dealings, to have any command of money he pleased, at a reduced rate of interest. No man who imagined he saw a chance of profit in any branch of trade, could be at a loss to obtain the funds at a reduced rate of interest. All this had increased the trade of the country. But what had been the consequence? The exportation had been so great, that there was not a market in Europe or America where British manufactures could not be bought cheaper than in this country [Hear, hear!] There had been a fall in all commodities of 20 or 30 per cent. Why had they been reduced in price? In consequence of the change of circumstances, produced in our money market. Those who had lent money to the merchant now called for it again. The consequence of that was, that he was forced to bring his commodities to market at a time when money was scarce. The price ceased to afford the manufacturer an adequate return, and consequently his stock went down. We were, therefore, not merely to look to the effect of the measures of the right hon. gentleman on the commerce of the country, but also to their effect in the manufactures of the country. We had had money in plenty, and manufactured goods were in great demand, because there was a plentiful supply of money. Then came a scarcity, and then a depression of our manufactures. Look to the present state of the country. There was not a manufacturer in Coventry, who by working fourteen or fifteen hours a day at present could earn more than six shillings a week. The master gave the workman a certificate that he had worked such and such a time, and the man went regularly to the parish for the remainder of his subsistence. When they were discussing a subject of this nature, they ought to look to the causes of all those distressing vicissitudes—and those causes all arose out of the vicious system of finance of the right hon. gentleman. The great exportation of 1815 had had the effect of raising the exchange above par in 1816. But then came the loan from the Bank, and the enormous issues of exchequer bills. He had no doubt but the chancellor of the exchequer conscientiously believed, that by the steps he was pursuing, he should be able so to raise the funds as to reduce the interest on a considerable part of our debt, and thus effect a great saving to the country. Then the French loans began, and then there was a great depression of the exchanges. Persons would not employ their capital at home at low interest, but would send it where they could get better interest. Last year the chancellor of the exchequer had been able to raise the stocks to 83. Those who had advised him to attempt to raise the stocks so high, with the view of paying off the 5 per cents, then left him in the lurch, and sold out. The chancellor of the exchequer had at length found out the error of his power, that he could create as much paper as he pleased. Loan succeeded loan in France, on which heavier interest was paid than the rate in this country. The interest of the Petersburgh stock was from 10 to 15 per cent. America too, which was trying cash payments, was paying a large interest. When all these

sources were open to the capitalist it was impossible to think that he would lend it to this government at so very reduced a rate of interest. He was sorry he had troubled the House so long [Hear!] He had only a few words more to say to those gentlemen, who, like himself, were there for the first time. He had the greatest confidence, both in the means and energies of the country, and he thought that with proper management our difficulties might be fairly got over. But if the chancellor of the exchequer continued to borrow one day for the purpose of raising the price of the public funds, and to issue paper merely for the purpose of producing a temporary prosperity, it was impossible that things could proceed. The right hon. gentleman had stated, that he did not consider himself bound by what he had formerly stated in answer to his right hon. friend on the floor. There were twelve millions which required to be met in one way or other. The right hon. gentleman had left it uncertain whether he was to raise these twelve millions by a loan or by exchequer bills. But he protested against the principle of issuing exchequer bills for the purpose of buying stock at 80, to pay off loans borrowed at 52. There was no opposition which could be offered to a measure of this kind which he would not offer.

Mr. *Protheroe* stated, that he was one of those who, at a time when many were desponding, had expressed a strong opinion that the distresses of the country were of a temporary nature. His view had been confirmed by the turn which things had afterwards taken. He could not help, however, thinking that ministers relied too much on our exports and imports. The fact was, it was notorious that the commercial system of this country had very much altered. Instead of the cautious conduct for which our traders used to be distinguished, there was now a strong tendency to bold and adventurous speculation. This spirit was visible in all our dealings, from the most extensive to the more humble class of traders. How far this had been increased by our paper circulation, he could not pretend to say. Whatever might be the state of our exports and imports, it was certain that there was now very great distress in the country. He knew that very many of the traders of this country were of opinion that it was impossible to check the paper circulation, without giving rise to the utmost distress. He himself thought it could have been checked last year; but he confessed he was one of those who shuddered to think what the state of the credit of this country might be, if the paper circulation were now checked. He had, however, with the hon. gentleman who preceded him, the strongest confidence in the spirit and energy of the country, which he was persuaded would soon recover, if not injured and checked by perpetual fluctuations in the state of our circulation.

Mr. *Macdonald* said, he did not rise to go into the general consideration of a subject so important as that which had occupied the attention of the House. Had he been disposed at the commencement of the debate to adopt that course, he should have been precluded from adhering to it by the incomparable speech of his right hon. friend. It appeared, however, to him, that the chancellor of the exchequer had arrived at a somewhat singular conclusion, with respect to the sentiments expressed in that speech. The right hon. gentleman had inferred that his right hon. friend was in favour of a vigorous system of taxation. He would have judged more correctly in arguing that he was in favour of a vigorous system of reduction. Was the right hon. gentleman willing to co-operate in the prosecution of that system? He was desirous of protesting, for one, on this occasion, against the presumption that by assenting to the formation of the proposed committee, he was precluding himself from the right of bringing forward any specific measure of retrenchment which he might think important to the public interest. It was not his wish to disparage the former committee, or to underrate the value of their labours. It could not be denied, that they had rendered considerable service to the country; but, at the same time, it could not be concealed, that the good which was done might have been much greater. Committees of this description had also this evil connected with them—that they operated as a screen to the administration, and divided that responsibility which ought to rest exclusively on the servants of the crown. He was utterly at a loss to conceive, why the inquiries of the former committee had not been directed to the mode of collecting the revenue. An hon. member (Mr. Maberly) who had, in a late speech, discovered great intelli-

gence on this subject, had calculated that an annual saving of two millions might be made. Undoubtedly, a very considerable saving might be carried into effect. Not having heard the list of the noble lord, he should now go no further than to observe, that unless the committee in question should be composed of men determined to discharge their duty honestly and impartially, of men who would pay no regard to the patronage of the crown, merely as such, he much feared that its appointment would be detrimental, instead of producing any solid advantage to the country.

Mr. *Hart Davis* stated, that there was a considerable depression in the country, and that interest, which was last year at so low a rate, was now at 8 or 10 per cent. Any sudden reduction of the circulation must, therefore, operate in a very ruinous way on the manufactures and agriculture of the country. With regard to the issue of exchequer bills, he differed from an hon. gentleman who had spoken last but two. There was always wanted a large sum in this country, which could be commanded at any time—a casual capital. By raising money by issuing exchequer bills to meet this demand, government had saved to the country a large sum in interest every year. The only measure at present to look to was, to see that the Bank did not draw in its issues, but continued to give to manufacturers and agriculturists a regular supply.

The motion was then agreed to, and a committee, to consist of the following members, was appointed: viz.—Lord Castlereagh, Mr. Bankes, Mr. Chancellor of the Exchequer, lord Binning, Mr. Bootle Wilbraham, Mr. Peel, Mr. Hart Davis, sir George Clerk, Mr. Frankland Lewis, Mr. Huskisson, Mr. Tremayne, Mr. Nicolson Calvert, Mr. Davies Gilbert, Mr. Cartwright, Mr. Holford, Mr. Littleton, lord Clive, Mr. Gooch, sir George Hill, Mr. Smyth, and Mr. Calcraft.

HOUSE OF LORDS.

Tuesday, February 9.

Offices in Reversion.] Earl *Grosvenor* rose, in consequence of his notice to make a motion on the subject of Offices in Reversion. What he then proposed was merely a motion for reversions granted by the Crown, but he now meant to extend his object further. The motion which he had first to propose was so similar to others which had formerly been agreed to by their lordships, that he could not anticipate any difference of opinion upon the subject. With respect to the second motion, it might perhaps be thought, by some, liable to objection; though, as its object was merely to obtain information, he could not see any solid ground for resisting it. He was not going to propose a bill for putting an end to the granting of sinecures, or for suspending the power of granting them for a limited period, though that was a proposition which had already obtained their lordships' approbation: all he meant to ask for was, that an account might be presented to their lordships, showing what offices had been granted in reversion during the last year. Their lordships had formerly obtained, on orders they had made, accounts of grants in reversion for a much longer period. There could, therefore, be no objection, in principle, to the motion he had now to submit. It was true, that after what had passed, both in this and the other House of Parliament, on the subject of reversions, he could not expect any thing else than a blank return to his motion; still it was desirable that the return should be made, in order that parliament and the public might be informed of the fact. Publicity could not fail to be of the greatest advantage in this, as well as in other affairs connected with the administration of the government. It was the best prevention of abuse; and however well disposed ministers might be, one of the best securities for their acting properly was, the knowledge that every transaction in which they were engaged must be submitted to the tribunal of public opinion. From a due respect to that opinion, he believed his majesty's ministers had for some time abstained from granting any places in reversion, except one which, notwithstanding the nature of the office, and the person to whom it was granted, he could not help regarding as a violation of the principle that no farther reversions were to be granted. Besides the motion he mentioned yesterday for an account of the grants in reversion during last year, he meant to move for a return of grants made by other authorities. He thought that the same rule which had been applied to grants direct from the Crown, should be made applicable to public bodies of every description. It was their lordships'

duty to endeavour to correct all kinds of abuses; and it was, above all things, desirable, that questions of this kind should be laid completely bare; for if any thing more than another tended to disgust the public, it was an endeavour at concealment in public affairs. He hoped, therefore, that there would be no objection to his second proposition. His great object in wishing to prevent grants in reversion, was, to remove that bar to the abolition of sinecures and useless places which these grants presented. Much had been already done towards the abolition of sinecures; but their lordships would recollect, that in the bill which had been introduced on this subject, it was the wish of the noble and learned lord to except three offices, namely, that of the clerk of parliament, the clerk of the pleas of the court of Exchequer, and the lord justice general of Scotland. These offices had still been preserved. There were, besides, as he had already said, several offices in the gift of public bodies, of which it had been the practice to grant reversions. Of these, he apprehended parliament ought to have cognizance; and it was with a view to obtain necessary information for their lordships, that he now submitted two motions. First, for a return of all grants in reversion of offices held under the Crown, since the 1st of January, 1818. Secondly, for a similar return of all grants of offices in reversion by any public authority whatever.—The first motion was agreed to.

The *Lord Chancellor* doubted whether the second motion was so framed as to produce any practical result. He was at a loss to know what the noble lord meant by the general term public authorities. Did he mean departments of state, public boards, and courts of law? It appeared to him that it would be necessary for the noble earl to specify what bodies or persons he meant by public authorities.

Earl *Grosvenor* wished the motion to be as general as possible, and for that reason had chosen the term public authorities. He was desirous of obtaining a return of grants in reversion from every public body by which such grants were made.

The Earl of *Liverpool* thought that the motion must be differently framed. No such term as public authorities was known in the law or constitution of the country. How was the proper officer to proceed when such an order, framed according to the noble earl's motion, should be put into his hand? It would be impossible for him to know on whom he ought to serve it.

Lord *Holland* did not think the objection to the motion valid. There were a great many acts of parliament in which the term public authorities occurred; it was, therefore, singular enough to assert that it was unknown to the law and constitution of the country. He was of opinion that parliament had a right to call upon all public authorities, generally, for any information they could afford; but if a particular specification were necessary, the noble secretary of state was, from his office, better qualified than any other person to say how that ought to be done, and might teach his noble friend how to reach his object.

The Earl of *Liverpool* said, that the House certainly possessed the right of calling for information; but when a noble lord proposed that such a call should be made, he ought at least to explain distinctly what he meant to call for.

Earl *Grosvenor* said, he had purposely framed the motion in as general terms as possible, because it was his object to reach all grants in reversion of sinecures and places of every kind. His wish was, to obtain returns of those grants which were not made directly by the Crown; but as he understood that there was no intention to oppose the principle of this motion, he would withdraw it, with the view of bringing it forward, on a future occasion, in a shape which he hoped would be more satisfactory to their lordships.

The motion was then withdrawn.

HOUSE OF COMMONS.

Tuesday, February 9.

IRISH GRAND JURY PRESENTMENTS BILL.] Mr. *Dawson* presented a petition from the county of Londonderry, praying for the revision of the act passed in the last session, respecting Grand Jury Presentments in Ireland. In doing this, he begged to be understood by his right hon. friend, that the petitioners in no part complained of the principles of the measure which he had introduced. He allowed that the former system of grand jury presentments in Ireland was indefensible; and that the grossest abuses prevailed in the application of the money, to raise which, the tenantry were pressed to the ground by taxes, under the name

of county rates. The petition, which was signed by almost all the magistrates, complained, that, from local circumstances, the act was inoperative in the county of Londonderry. Before a presentment was made to the grand jury, it was required by this act, that it should be approved by a surveyor and three magistrates, who were to possess certain qualifications there specified. The qualification was a certain amount of freehold property or long leases; but it happened, that, in the county of Londonderry, a great proportion of the most active magistrates were the holders of church leases, who were thus incapacitated from giving their consent to the presentments. Without the assistance of the magistrates thus excluded, it was almost impossible that any presentment could be made.—The petition was brought up and read. On the question, That it be laid on the table,

Sir *J. Stewart* said, he disapproved altogether of the act respecting grand juries.

General *Hart* said, that the old system of grand jury presentments, which had been abolished, had been productive of much benefit to Ireland, and only required time to bring it to perfection; but the present system rendered the carrying on of public works impossible. When the judges had recommended at the assizes the employment of the poor on public works, it had not been found possible to follow their advice, in consequence of the difficulties thrown in the way of presentments.

Mr. *Vesey Fitzgerald* said, he would for the present avoid going into any topics that did not immediately arise out of the petition just presented to the House. Whatever might have been the operation of the act, the House and the country would, he had no doubt, at least, do justice to the motives of those by whom it was introduced, to their anxiety for the public interests, and their desire to put down abuses which were disgraceful to the laws and injurious to the morals and the welfare of the Irish people. He, for one, had no other motive than to promote the public good; and he would not tamely or silently submit to any imputations which gentlemen might think fit to cast upon the bill. As to what had fallen from the hon. gentleman who presented the petition, he had nothing to complain of, nor would he now deny but that local causes might have rendered it difficult, at a particular time, to carry the provisions of the law into execution, however easy they might be executed in other parts of Ireland, and however well they might have operated. But he would beg the attention of the House to what had fallen from the hon. gentleman in the candid statement he had made. He had said, that most disgraceful abuses and most intolerable burthens pressed upon the people of Ireland before the enactment of the law now complained of. The hon. gentleman who presented the petition, had spoken of him in terms too flattering; but he hoped he might say, without any breach of personal delicacy, that his motives were at least pure, and his zeal untainted by any personal consideration, when he laboured to overturn a system pregnant with public evil. This system might, in the eyes of some, be looked upon with interest and with tenderness —they might bewail its fall as the fall of an old friend—they might describe it as an institution innocent as it was ancient. He had never quarrelled with the institution itself; it was of its abuses that he had always complained; it was those abuses that he had always laboured to overturn. On the different occasions when he had brought the subject before the House, he had admitted the excellency of the ancient laws, but it was manifest that time and corruption had created many abuses, and that new measures were indispensable. But, however necessary these measures might have been, the House would recollect, that the duty of revising the ancient law was not a duty voluntarily undertaken by him—it was not until the reports of different committees had been laid before parliament; it was not until those abuses became manifest, and loudly called for the interference of government, that he, as a member of that government, brought forward some measures to meet an evil so flagrant and so extensive. He was not insensible of the odium which his exertions had collected on him; he had felt it, even in the very county he represented. Government were pledged to investigate the causes of so much public abuse; they did investigate—and he would now challenge those who complained of the present law, whether they could bring the tenth part of the abuses which were proved to flow directly from the old system which they wished to re-establish, against the new law which they wished to

repeal. He could himself prove many abuses which came immediately under his consideration. On the other hand, that some imperfections might be found in the late law, he did not mean to deny. It was difficult to avoid some errors—it was difficult to have every thing complete and perfect, when we substituted new regulations for those which had existed for a century before—which had grown up with the institutions of the country—and which had been administered by a body so transitory as that of a grand jury. But he thought it rather hard, that gentlemen who withheld themselves from the investigation, who refused to contribute their labour or their information, should now complain of what they never took any trouble to correct. He did not impute any thing unhandsome to gentlemen, but it too frequently happened, that men could not endure the success of a measure which they had originally opposed; they looked on its success with envy, and hailed its fall with an unworthy pride. The principle he sanctioned was the principle of reform—it was a principle that would not sanction the expenditure of the public money, without having that money strictly accounted for; this was a principle which deserved the support of the House, nor would they entertain the views of those who said, "return to the old system, and throw the labours of the late parliament away." He would not conceal the fact, that in various parts of Ireland objections were made to the grand jury laws as they now stood. It would be uncandid on his part not to state the fact; the more particularly as he understood some county meetings were about to be held against it. It had been stated, that the provisions of the law were not found practicable: he would ask, were they tried? He would lament the inconvenience of the country; but that was not the fault of the law. If it was shown that the provisions of the law could not be put in force, he would be the first to abandon it; but he could not help saying that the assertion made, that the law prevented the passing of presentments and the employment of the people, was a gross misrepresentation. Inconvenience might in some places have occurred, but in most parts of Ireland the law operated to the advantage of the country, and he would implore the House not to touch on the principle of the law—that principle which gave security and protection to the people that the public money should be applied to useful purposes, and should not be advanced without being strictly accounted for. Highly as he valued and respected those gentlemen who compose the grand juries of counties in Ireland, he could not forget that they were a transitory, and, therefore, not a responsible body—that, pressed as they were with a variety of other business, they had little time to bestow on presentment accounts; but when those accounts were examined in open court by magistrates at quarter sessions, and when no account could pass without their sanction, he considered that process a great security for the proper appropriation of the money of the people. The hon. gentleman who presented the petition had called on him to amend the law. Could he anticipate the sentiments of others, as he did those of the hon. gentleman—could he suppose, that they, like him, were sincere, he would willingly undertake any duty that the House should impose on him; but he felt that there was an objection, in the minds of some, to the very principle of the law; he felt that their object was not to amend it, but altogether to overthrow the principle upon which it was founded, and he would therefore beg to liberate himself from any further interference. Indeed, it would be but a fruitless effort on the part of any individual. He recollected when the law was first brought in, recommended as it was by the necessity of the case, and aided as it was by the support of government, it was with difficulty that it passed through the House, and he feared that the principle of that law could receive little support from the unassisted efforts of an individual unconnected as he now was with the government of the country. He would therefore decline the task, and he should make but one observation—he would make it with earnestness, and with a deep sense of the importance of the subject. It was, that the great object of the law deserved the protection of his majesty's government, and he implored of them to protect it. It was, he repeated, too much for an unassisted individual; and when he recollected that the object of that law was, to overturn a system, the growth of a century, he was not surprised at the opposition it met; he was not surprised, however he might lament, that he had been so often called to battle both in and out of parliament. He would beg to state, that when a right hon. baro-

net had formerly brought before this House the state of Ireland, his right hon. friend (Mr. Peel) and himself had pledged themselves to investigate this very subject, as a subject deeply affecting the public and the local interests of that country. He had been, he feared, betrayed into too long a statement; but he assured the House that he had abstained from many things which pressed upon his feelings; he had too much reason not to expect many hostile attempts against the principle of the grand jury laws; whenever they were made, he should rise in his place to combat them—but he felt it right to state that there his interference should end.

Sir *H. Parnell* said, that he concurred with the opinion of the right hon. gentleman opposite, on the subject of the Irish grand jury laws. He therefore conceived it to be his duty to support him on the present occasion, and to resist, with all his ability, the opposition which was then making to the measure which he had so wisely and ably originated and conducted. The right hon. gentleman had filled his post most honourably, and he therefore hoped that the appeal which he had made to the House would have its due effect; and that the useful work which he had commenced would not be deserted. The opposition to it had no foundation on which it could firmly rest. The new law required that no application of money should be made without the examination of the magistracy; and he did not find that any material error had been committed by the promoters of the law in forming that enactment. In the county which he had the honour to represent, he must say that the law had met with the most complete success. The chairman of the magistracy at the sessions in his own county, to whom he had applied for information on the point, had informed him that no difficulty had occurred at their sessions; but that, on the contrary, the operation of the law had been eminently successful. This he stated from his own inquiries; and he feared that gentlemen who censured it, did not always take the precaution of understanding it. At the assizes, before that law had been tried, in the Queen's County, the amount of the presentments was 13,000*l.*; but when that law came into operation, the amount of the presentments was only 4,000*l.*, and 2,000*l.* of this sum was disapproved of by the magistrates at the quarter sessions. Thus did it work in the Queen's County; and if the law had operated so beneficially there, he could not see why it should not equally operate in other counties. Temporary causes might prevent it for a season, but it was founded on a principle that must ultimately operate for the good of the country. The hon. baronet concluded by expressing his hope, that the request of the right hon. gentleman would be attended to by his majesty's government, and that they would support a measure which promised to promote the morality, and to protect the interests of the Irish people.

Sir *George Hill* hoped, that as he was the representative of the city of Londonderry, the House would bear with the observations which a sense of duty impelled him to make. He was prepared to argue, from the words of the petition itself, that the petitioners were not hostile to the principle on which the present Irish grand jury laws were founded. They prayed, indeed, for the repeal or amendment of the present laws, but they did not wish to get rid of the principle on which they rested. He was truly sorry to hear the declaration of his right hon. friend, that he should decline to take the lead in this matter, because he was aware that the want of his right hon. friend's co-operation would be a serious injury to the cause which he was advocating.

Mr. *V. Fitzgerald* said, that as far as he could lend his aid, he would willingly assist in any amendments that might be found necessary in the law, provided the principle of the law itself was not attempted to be destroyed. As to the petitioners, nothing was further from his intention than to impute any hostility to them. As to the right hon. baronet, he did not mean to apply any observation to him. He was the gentleman who, in that House, had seconded the measure. He gave it his support: every part of it was submitted to his consideration, for the purpose of receiving his sanction.

Mr. *Peel* said, he observed with regret the inattention and listlessness with which the House were looking upon a question so important to the interest and prosperity of Ireland. For his own part, he conceived that the affairs of Ireland, relatively situated as Ireland was towards us, and with the comparative minority of members which she sent to the British parliament, deserved to engage the serious consideration of the House whenever

they came before it. He said, that not a single assizes had intervened before the advantages of the present system were clearly and distinctly seen; and he therefore trusted, that it would not be on slight or inconsiderate grounds that they would think of abandoning it. He wished to explain to the House a few of the objections to the old system, with which, most likely, many members, particularly those who had now for the first time come into parliament, were not well acquainted. They were greatly mistaken if they thought the powers of grand juries in Ireland did not exceed those of grand juries in England, or that in order to dispose of the money of the land-owners, the same formalities were necessary that were observed in this country. They were probably not aware, that grand juries in Ireland could dispose of the money of land-owners to an almost unlimited amount, by means of what were technically known by the name of presentments: they had in fact done so in many cases for roads, bridges, and various public works; so that, when the direct taxes of Ireland did not exceed 4,000,000*l.*, the indireet taxes imposed by grand juries were scarcely less than one-fourth of that sum. This was an abuse that loudly called for a remedy; and it was the more necessary, when it was recollected, that the sums required by grand juries were demanded with scarcely any inquiry, upon the mere representation of two individuals. It was a fact, that sometimes so many applications of this kind were made to grand juries, that if their whole time at an assizes were devoted only to them, they could not give more than one minute and a half to each presentment. The sums ordered were accounted for in the most irregular manner, and frequently not at all: one of the parties making the presentment was called upon to make oath, and this was deemed sufficient, until he (Mr. Peel) in his official capacity had entered into some investigation into the abuses and frauds practised, and found that in one instance, where an estimate of 19,000*l.* for a public road had been laid before the grand jury, the expense had exceeded the estimate by 20,000*l.*, of which the grand jury had also directed the payment; and the surveyor, had without all warrant, made compensation to parties according to his own notions of the injury sustained, because he thought the jury summoned to assess the damages had not assigned a sufficient sum. In fact, there was no end to the abuses under the old system; and if the new law was not perfect, and he was far from saying that it was, at least it was a material improvement, that might be carried further upon subsequent examination of the subject. He hoped, at least, that the old system would not be recurred to, until it had been found that all attempts to remedy its defects were unavailing.

Sir *John Newport* said, that the objections made to the new law were as yet only prospective, for as yet no opportunity of trying it had been afforded. He admitted that some defects might be found in it: experience might prove that it was even materially deficient; but at least it was much to be preferred to the old system of presentments, which was even fuller of vices than of advantages: if he were required to choose between the one and the other, he would rather resign all the benefits of the old system (and many benefits undoubtedly flowed from some parts of it), than consent to the continuance of the vices which it inevitably occasioned. The great improvement upon the old law was, the publicity given to the presentments, and the compulsion to account for the expenditure of the money; but he thought a still further amendment might be accomplished, if a clause were introduced to render the pressure of the burthen more equal upon all divisions of the counties.

Ordered to lie on the table, and to be printed.

CRIMINAL LAWS—PETITION OF THE QUAKERS COMPLAINING OF THEIR SEVERITY.] Mr. *Wilberforce* said, that he had been intrusted with a Petition which he considered it an honour to hold, and which, but for indisposition, he should have laid before the House on an earlier day. It came from a most respectable body, the Society of Friends, commonly called Quakers, and it called upon the House to take into its serious consideration the many laws under which the punishment of death was inflicted. The same body, acting with that sobriety, temper, and moderation, by which they were distinguished, had been on more occasions than one, the first to point out and to reprobate the existence of evils of the highest magnitude. He could not forget — for to forget it would be the

height of ingratitude—that the Quakers were among the earliest of those who had claimed that the slave trade should be abolished, and had never been backward in promoting any cause favourable to the interests of humanity [Hear, hear!]. The petition, however, deserved the most serious attention, not merely on account of the individuals by whom it was signed, but on account of the importance of the question to which it related. To that question it was impossible to advert, without expressing, though faintly, his deep regret, in common with the whole House and country, that it was now left for him to raise his feeble voice in that cause which had been so often and so ably advocated by one whose name would be recorded among the benefactors of mankind, and whose memory would be fondly cherished by all who reverenced either public or private virtue—[Cheers from all sides]—a man whose general knowledge was only equalled by his professional attainments, and who brought to the subject all the lights of the understanding, and all the advantages of experience. The obligations of the country to the unwearied labours of that most distinguished and lamented individual were acknowledged by friends and enemies—if, indeed, the term friends could be applied to those who loved him with devoted enthusiasm, or enemies to those who, while they resisted his propositions, had admitted the benevolence of their object, and the admirable intentions of him who introduced them. He was a man in whom public and private excellence were so united, and so equally balanced, that it was difficult to say which had the predominance; those who knew him only as a member of parliament would probably hold that his public principles had the predominance, while those who had enjoyed his friendship would feel satisfied that the general benevolence of his views and projects was exceeded by the endearing qualities of his domestic life. The country had been deprived of his assistance when most it was needed, and when he had proceeded but a few steps towards the completion of his object; those steps had been with caution, though without hesitation; and if his progress at first was resisted, opposition in the end was disarmed by the persuasion of his eloquence, and conviction compelled by the force of his talents. Although deprived of its chief advocate, it was still to be hoped that many supporters of the cause remained, who, at least, in earnestness and zeal, were not behind the distinguished individual of whom he had spoken: it was, however, most sincerely to be lamented, that after all that had been said and written upon the subject of crimes and punishments since the days of Howard, so little had yet been done to remedy the increasing evil against which the petition was directed. It had not been sufficiently considered that the moral improvement of offenders ought to be the first great object, and that capital punishments would be rendered less frequent most effectually, by diminishing the disposition and the motives to crime. It was allowed that the uncertainty of the infliction — the chance which every offender had at present of escaping—the sort of gambling with life which was kept up, had a great tendency to augment crime; and the late Judge Buller, in a conversation which he well recollected, had truly said, that criminals actually calculated the odds of escaping, or of being detected and punished. It had been said by the highest authority, that men in all situations were disposed to calculate the chances in their own favour; but this was peculiarly the case with those who committed offences, and who were least of all open to reflection, because, in fact, to reflect would be to repent and to mend. He trusted that some individual of competent knowledge, industry, and ability, would yet be found to undertake the reform of the criminal code, and by recommending the alteration of many of our most penal statutes, render capital convictions and executions less frequent. The House and the country had had some experience of the difference between the two systems: by the one, offenders were turned into the paths of crime, and by the other were diverted from it. Proof had been lately afforded of the mode in which females, the most abandoned to vice, had been reclaimed by the almost unaided efforts of one benevolent woman, whose name was too well-known to need repetition [Hear, hear!]. It had been said, that the most excellent things were subject to the greatest corruptions, and it was thought that women were sometimes beyond reformation; but it appeared that the efforts of considerate kindness and attention had been often most effectual where despair had been most indulged. In his earliest

acquaintance with Mr. Pitt, that great statesman had admitted the necessity of diminishing the number of capital punishments; and if it were then required, how much more vehemently was it called for at the present moment? He took no small share of shame to himself, that he had so long neglected a subject of such importance; and he hoped yet to be able to make some amends for it. The system of transportation was perhaps the worst of the whole; for those who were comparatively innocent, were despatched to a country where they could only mix with those whose crimes had perhaps reached the most gigantic dimensions. The legislature had been criminal itself on this point; it had abandoned its duty; it had allowed guilt to grow to its full dimensions, instead of checking it in its infancy; and the only atonement which it could make to the country was by seriously applying itself to the subject, and endeavouring to diminish the evils which had grown up under the present melancholy system.

The Petition was then brought up and read. It was as follows:—

"To the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled. The respectful Petition of the undersigned, representing the Society of Friends commonly called Quakers, in the United Kingdom, showeth,

"That at the last annual assembly of the said society, the awful subject of the punishment of death, as now prevailing in this empire, arrested the attention of the meeting, inducing serious reflection, with feelings of deep commiseration and regret.

"Acting agreeably to the instructions of the said meeting, your petitioners desire to represent their firm conviction, that the frequency of this punishment, extended, as it is to crimes of very different degress of guilt, is repugnant to the mild and benevolent principles of the Christian religion; and they would further express their belief, that were these principles received and acted upon to their full extent, were the genuine spirit and precepts of the gospel of our Lord Jesus Christ implicitly obeyed, way would ultimately be made for the abolition of this practice in all cases.

"To the laws, therefore, as they at present stand with regard to this subject, your petitioners earnestly and respectfully entreat that your deliberations may be speedily directed, in order that, in the wisdom of the legislature, such a change may be effected in our penal code, as may whilst it shall secure the ends of justice, imprint on it the characters of Christian mercy, righteousness, and love, the firmest bulwarks of society and government.

"Then we reverently trust will the result of your exertions be viewed with acceptance by the Most High, who rules in the kingdoms of the earth, and be a means of obtaining for our beloved country his continued blessing and protection."

Ordered to lie on the table, and to be printed.

Poor Laws.] Mr. *Sturges Bourne*, pursuant to his notice, rose to call the attention of the house to the present state of the Poor Laws, with a view of submitting to it the propriety of re-appointing a committee for the investigation of this important subject. Before, however, he moved a resolution to that effect, it appeared to him to be right to offer a few general observations. An inquiry had been commenced in the last session of the late parliament, and a committee had been appointed, whose labours were necessarily interrupted by its dissolution. This event took place before sufficient time had intervened to enable the committee to extend their inquiries beyond a certain point. It took place too at a time unfavourable in some degree to the success of their inquiries, inasmuch as the prospects of the country were then clouded, and it was not easy to distinguish temporary from permanent distress. The introduction of any legislative enactment founded upon the reports of the committee had been thus impeded by various circumstances, and the measures which were actually proposed were confined to the remedy of the more obvious and subordinate evils of the system. Those questions which involved the greatest difficulty had been left untouched. It had been thought right, however, to employ the interval in circulating the reports as widely as possible, in order to procure information; and the result was, that plans of improvement had been forwarded from a great number of parishes, generally in favour of some particular change, adapted to their own respective circumstances. This might satisfactorily account for the delay which had taken place in the deliberations of the committee, and for the small progress they had made in providing or discovering any general remedy. One

measure which was introduced, and received the sanction of that House, was not deemed so unexceptionable in the other: two or three clauses were expunged, and it was then found not to be consistent with their own privileges to pass it with these alterations. Two others, one relative to the establishment of parochial benefit societies, and the second to the subject of settlements, met with an equal failure, from the want of time to give them full consideration. What he now proposed, therefore, was, to re-appoint the committee for the purpose of re-considering these measures. At the same time it ought to be understood, that much more remained to be done. The committee would have, if the object were practicable, to devise some means by which the great and growing evil of the poor-rates—an evil which was proceeding to take the whole produce of the land from the owner without benefiting the poor, but on the contrary, was impairing their morals, independence, and happiness—might be diminished. Not, indeed, that he was one whose hopes were very sanguine of their success. He looked forward, however, to the cause receiving considerable advantage from the labours and co-operations of an hon. and learned gentleman, the member for Winchelsea, (Mr. Brougham). That hon. member had given notice of his intention to bring forward some proposition directed to this radical mischief, and embracing at the same time an equalization of the burden. He could assure him that the committee would hail his assistance, for he believed no man was more eminently qualified for the performance of so arduous and important a task as that which had devolved upon them. It had not been consistent with the hon. and learned gentleman's engagements to become a member of the committee in the last parliament. He should feel great satisfaction in the attendance of the hon. and learned gentleman now, and in the communication of those plans which his judgment had probably since matured. If, after all their exertions and inquiries, they should not attain the great object which they had in view, the public, he trusted, would not attribute their failure to negligence or inactivity. For the purpose, therefore, of adopting, if possible, some measure for the termination of this alarming evil, he should move, "That a committee be appointed to consider of the Poor-Laws, and to report their observations thereupon from time to time."

Mr. *Curwen* said, the hon. gentleman who had just sat down was entitled not only to the individual thanks of every member of that House, but to the approbation of the country at large, for the ability and perseverance with which he applied himself to this subject. It was, therefore, with some pain that he rose to oppose the motion for a committee. For, though he thought that, in the first instance, the appointment of a committee was the best course that could be resorted to, in order to bring sufficient evidence before the House, yet, as there now appeared to be a complete detail on this most important and alarming subject, he conceived they ought at once to meet the question fairly. Nothing could be done in the committee to remedy the evils complained of; they could only be removed by a great and comprehensive view of the subject, taken by those whose situation in the state gave them an opportunity of investigating the question, with a reference to all the various relations of the country, and who alone were able to take upon themselves the responsibility of such measures as appeared best calculated to effect this object. Out of the very inherent principles of the poor-laws arose much of the evil of which the country complained; for certainly, when these laws took out of the hands of individuals the trouble of providing for themselves, they rendered them more careless of their own personal welfare. This was evident from the commencement of the system, when means were taken to provide for pauperism, instead of preventing it—in the first instance, by the operation of shame, and ultimately by the assistance of terror. Poor-houses were erected, and held out *in terrorem*—the happiness and comfort of the individuals immured in these receptacles, were sacrificed without remorse. This measure, however, was found to be inefficient, the number of paupers daily augmented, and the evil continued to increase. This demoralizing system, cost the country 2,000,000*l.* per annum 25 years ago; but since that period, the expense was more than quadrupled. The evil was of such a nature, that temporizing measures could do no good. To be counteracted, its true sources must be explored. To three great causes he attributed the present situation of the country, with reference

to the poor-rates. First, excessive taxation; second, the depreciation of money; and thirdly, the great rise in the price of the necessaries of life. These were the causes of the existing distress; and those who imagined they would come out of the committee with a remedy for any but the minor abuses, attached themselves, he was afraid, to a hope, that, in the end, would not be realized. The hon. gentleman himself admitted that his hopes were very feeble. For his own part, he cherished no hope whatever from the adoption of any measure, except the removal of the causes by which the present state of things was occasioned. That could only be done by those who had it exclusively in their power to take effectual means for putting an end to the system to which the actual evil could be traced. In the course of 25 years, the increase of wages had been one fourth; and, in the same time, the rise in the price of provisions was one-third. Salt, leather, soap, and coals, were articles of primary importance to a working man. Now, upon a fair calculation, it would appear that to procure these, one-ninth of the whole of his income was swallowed up. If this country was to be preserved in that proud situation, which, from the nature of her free constitution, she ought always to be placed in, it could only be done by meliorating the situation of the working classes of the people. He could not join in the cheering prospect held out by the noble lord opposite in the statement he had made, on a former evening, relative to the situation of the country. It was, he believed, in a deplorable state, and could only be relieved by guarding against every attempt at an undue or unnecessary expenditure of the public money, from the crown down to the humblest officer in the state. Looking throughout the country, he believed it would be found, that the money paid for the maintenance of the poor had increased and not diminished in the last year. That branch of taxation, exacted by the poor-laws, though nominally paid by the people at large, came in reality from the landholders. Whatever was paid by the farmer was only nominally so paid. If a farmer paid 100*l.* a year rent and 25*l.* for poor-rates, the intrinsic value of his farm may be considered to be 125*l.*; so that though nominally the poor-rates were paid by the tenant, they were in reality paid by the landlord. Would it not then be better for all ranks at once to meet and take this burthen on themselves, and exonerate the working classes from the degradation of participating in it?—However strenuous in his opposition to a continuance of the property tax, which he considered as enabling the government to persevere in a scale of expenditure calculated to exhaust the resources of the country; yet, for the purpose of removing taxes destructive of the happiness and comfort of the great mass of the people, he should not hesitate in supporting a property-tax, solely and exclusively confined to the removal of burthens which paralyzed the industry and destroyed the happiness and independence of the labouring community. Our national pre-eminence depended on our preserving the independence of our national character—that once destroyed, and we should rapidly descend into the scale of other nations. He did not wish to take the burthen wholly from the shoulders of the landholder—he was only desirous that it should be fairly and equally borne. If the present system went on, it would be impossible to prevent the whole kingdom from being pauperised. If compulsory charity must be resorted to, he could see no reason why the great bulk of the monied interest, and the whole of the trading community, should not bear a portion of the weight. It would be nothing more than just to take a part of the burthen from the landholder, and let it be supported by the property of the country at large. The state taxes on the monied interest were about 4*s.* in the pound, while the demand on the landed proprietor for poor-rates was, on the average, 5*s.* He would, however, take it at 3*s.* which, with the expense of collecting rents, repairs of farm buildings, county cesses and losses, might, on a most moderate scale, be estimated at 4*s.* There were besides other charges amounting to 4*s.* more, making a total charge of eleven shillings; so that the landed proprietor received but 9*s.* out of his pound, while the individual, whose property was funded, got 16*s.* In the same way, if they took 12*s.* per week as the wages of the labourer, they would find that bread alone, for a family of five persons, amounted to 8*s.* which with rent and fuel, took up the whole, except about 2*s.* per week, which was all he had to furnish himself with clothes, and all other of the various necessary articles. The consequence was,

that the labourer, even under the most fortunate circumstances, could not afford a sufficiency of bread to his family, but was compelled to resort to potatoes for the greater part of his subsistence. He considered, in one point of view, the growth of potatoes as a great blessing to any country in case of famine; but he looked upon it as a decided evil, when the potatoe formed the principal article of a nation's food. Cheapness of food tended to the increase of population (as was evinced in a neighbouring country) in a degree that could not be supported by any capital, however great. To the disgrace of the agricultural part of the community, the agricultural labourer was not fairly dealt by, except in the northern parts of this kingdom. The cruelty of the system adopted towards them was equal to its folly. The price of wages was regulated with reference to the young unmarried man; he was made the standard; than which nothing could be more unfair—the rate of wages was calculated on the most parsimonious scale as to the sum which would weekly support a single man—while to the married man an allowance of 2*s.* to the wife, and 1*s.* 6*d.* to each of the children was made from the parish purse: thus a bounty was given on improvident marriages, and the single man was prevented the possibility of making any provision for the married state. Although he deprecated the abuse which had grown out of parliamentary discussions, he agreed in the principle laid down on a former occasion by the noble lord, that it was better a man should be employed in opening a trench, if he were immediately after to be filled up again, sooner than that he should be supported in idleness. But this principle had been pushed to an unwise extent in the country, and its operation had been productive of injurious consequences. The farmer, aware of the impression made by this sentiment, turned off a large portion of the workmen he usually employed for the express purpose of receiving them back with a bounty from the parish. Thus had the middling classes become burthened with a new tax to exonerate the farmer from a large portion of wages he ought to have paid. Justice was not done to the great body of agricultural labourers, unless they were efficiently protected. The manufacturing classes also deserved protection, though the House had not always dealt leniently with them. If, when laws were made to punish combinations amongst the men, their provisions had also been directed against combinations amongst the masters, he would have agreed in the justice of the enactment. The agricultural labourer was in the same situation. Dispersed abroad, it was not in his power to combine—and his necessities were so great, that he could not go on for one moment without attending to his work. His master, however, might do without him, till he should be starved into submission, without injury. This was not the case with the manufacturer, who was in a much better situation. He conceived it would be wise if the minimum of wages to the agricultural labourer with reference to small districts, were regulated at petty sessions. It could not be done for very extensive districts, as, where the space was large, the rate of wages must necessarily vary. The magistrate would be better able to decide what sum ought to be given to a labourer, than to adjudge the rate of wages which a manufacturer ought to receive; since there were many considerations connected with trade, of which it was probable he would not be aware. By a more liberal apportionment of wages, of from 4 to 5*s.* per week, in those districts where a considerable portion of wages was supplied from the poor-rates, he conceived the existing poor-rates might be reduced 2,000,000*l.* annually. There were parts of the bill brought in by the hon. gentleman which he thought were extremely beneficial; for instance, that part which related to the removal of persons who had procured settlements where they had no right to them, nor had any legal settlements in the kingdom. There were also provisions that would probably prevent the mismanagement observable in the administration of the Poor laws. But that any great, any decided benefit would be derived from the measure, he confessed he did not believe. The principal relief to the country would be found by making some change in the law of settlement, by which large sums now lavished in litigation might be saved. This, he conceived, was the largest item that could be saved by any regulation, which fell short of removing the grand sources of the evil. The sum to be saved by other means was not likely to be more than 500,000*l.*, or one-sixteenth of 8,000,000*l.* which the poor-rates annually require. Great were the complaints from all parts of the kingdom,

and most grievous was it to those who were struggling under the weight of the poor-rates, that so large a sum should be expended in supporting the offspring of crime. Bastardy had alarmingly increased within a short period; but a few years ago it was estimated at 1 to 28. It would now be found as 1 to 14. The number of illegitimate children annually born amounted to little if any thing short of 6,400, creating a charge of about half a million. The laws had been so relaxed, that bastardy was become in a great measure a crime without a punishment. Some check seemed indisputably necessary, as well for morals as for relieving the country from so grievous a burthen. The committee which had sat two years, the whole of whose proceedings were then before the House, had done nothing that did not fall far short of the great object he had in view—nothing had been even glanced at which in any degree was calculated to stop the rapid increase of the demoralizing system; the evil must be deracinated, or the real property, industry, and morals of the nation, would equally become its victims—and, unless government intended to let the evil go on increasing, from day to day, they would devise some means of reducing that weight of taxation which pressed the people down, and was the primary cause of the present distress. I am aware, said Mr. Curwen, of the state of the country —I know and lament that its resources are inadequate to its expenditure; that in doing justice and being faithful to its engagements, it cannot relinquish a shilling of its revenue—I do not ask it— Yet the only hope the country has is, that ministers would diminish the taxation which presses so heavily on the lower classes, and that they would place it somewhere else. A system of taxation which bears on the first necessaries of life, is in every point of view impolitic. Labour is rarely paid beyond what is barely sufficient for the maintenance of a working man and his family; taxing, therefore, the necessaries of life, presupposes a surplus beyond what his indispensable necessity requires. If no such surplus exist, and which is the case in few instances, it must operate a rise in the price of labour, or force the individual into a state of pauperism. The cost of labour in Great Britain, compared with what it is on the continent, places our manufacturers in a state of imminent jeopardy. I pretend not to calculate how long superior capital and skill may successfully combat these disadvantages, but certain I am such a state of things ought not to exist, if they can be removed. Every consideration of humanity and policy demand of government, revisions of the present ruinous system of taxation— a large portion of what is paid in the shape of poor-rates, is in truth no other than a contribution for exonerating the labouring classes from taxation. This could not be done by a committee. They could not have the information, neither could they digest those measures, which, while the revenue was protected, and prevented from falling short, would by their operation, relieve the great body of the people; and enable the legislature to make an effectual alteration in the system. The minister who should have the courage and the patriotism fairly to contemplate the dangers which threaten the empire, and succeed in effecting a remedy, would be entitled to the gratitude of his country, and would command my cordial support.

Lord *Castlereagh* said, he did not suppose that the proposition of his hon. friend was intended to lead to a general discussion of the system of Poor laws. If the subject was to be discussed in that House, it would be more advantageous to debate it, when the bill which his hon. friend meant to submit to their consideration, was introduced. That bill would contain seven or eight of the most important propositions connected with the subject, and, in considering it, they would be able to point out those parts of the improved sytem, in the propriety of which they agreed, and those also which they considered faulty. The hon. gentleman who spoke last had argued the question rather as a matter of financial arrangement, than as a subject connected with the Poor laws. If the hon. gentleman had formed any measure in his own mind; if he had discovered any happy expedient, by which the burthen could be removed from that part of the community which they most wished to relieve, and thrown on another portion, by whom it would not be felt; then he could assure the hon. gentleman, that he had found out a plan, which had not presented itself to the chancellor of the exchequer, or to any of his majesty's ministers. Before the hon. gentleman asked ministers to do that, which, he stated, they alone could effect,

it would have been well if he had communicated to them what system it was that he had revolved in his mind, and wished them to adopt. He hoped the House would not attribute it to any supineness on the part of government, that the question of the Poor laws was not taken up by them in the way recommended. Government were deeply sensible of the great importance of the subject—of the evils arising from the system, and the necessity of some remedy; but they thought it better to have it handled in such a way as would identify it with every part of the House, by taking it up in the manner it was. He differed very much from the opinion of the hon. gentleman, when he stated, that it was better such a question should be taken up by the government. The most wise and proper mode of proceeding was, to handle it in such a way as would excite something like common cause in its support. If the government were to introduce a measure upon the subject, the consequence would be to excite some jealousy; it would have the effect of making a remedy appear harsh, which, coming from another quarter, would be received as a boon. He would appeal to the hon. gentleman and the others who constituted the committee, whether government was not as zealous in assisting their endeavours, as if it was a measure proposed by the government itself. If the hon. gentleman had any good and efficacious plan to offer, he should be willingly seconded in it with all the influence of government. It would not be wise, however, for ministers themselves to undertake the responsibility of any extensive measure with respect to the Poor laws, though they were anxious to concur in any thing that might be judged beneficial. Much had already been done in consequence of the labours of the committee. The administration of the laws was considerably improved, and no doubt, before long, other improvements would take place. He perhaps saw the evils of the system in as strong a point of view as the hon. gentleman on the other side of the House; and the importance, by all practicable means, of making the people moral, industrious, and happy; but he saw, at the same time, the great difficulty of dealing properly with the question. It was not, however, fair to suppose that the government acted with supineness, because they did not propose some measure upon a subject through which the committee did not yet completely see their way. He was far from wishing to encourage false hopes, or to present such a glittering view of the prospects of the country as might tend to mislead; but he would assert, that, though some parts of the country were still suffering, and there was no time when this was not the case, the state of public affairs was highly prosperous. Did any country ever emerge so suddenly from the state of depression to which it had fallen? He did not fear contradiction when he asserted, that the trade and commerce of the country had undergone a fundamental improvement. This appeared even in the present state of the manufacturing poor. They were not now so great a burthen on the poor-rates as before. There was nothing that could be done on this important subject that might not be expected from the labours of the committee. Never were there individuals more anxiously devoted to the discharge of the important duties imposed upon them. If they could not effect the object so much desired, it would be vain to expect it from others. For these reasons he must disclaim all idea of having the measures that might be judged proper, upon this subject, brought forward by government in any specific shape. As the remedy hinted at by the hon. gentleman opposite seemed to involve a question of taxation, he did not feel inclined to meddle with it. Matters of that nature belonged more properly to the chancellor of the exchequer than to himself, and the hon. gentleman, in his opinion, would not do right unless he communicated his important discovery to the person with whom such business more properly rested.

Mr. *Walter Burrell* thought that much advantage might be derived from the labours of the committee. The evil arising from the Poor laws was one of a most serious nature, and the unequal manner in which they pressed upon different places was not the smallest part of it. He could not agree with the noble lord in thinking that the state of the country, with regard to the poor, was so much improved. In parts of Sussex, in a population of 18,000 persons, the poor-rates had increased from 7,000*l.* to 16,000*l.* In his own parish, that of West Grinstead, which consisted of 5,000 acres, the rental of which was 4,000*l.*, the poor-rates of this year amounted to 4,500*l.* The whole of the labours were almost dependent on parochial relief; and young un-

married men, who were most willing to work, were, for want of employment, obliged to go to the workhouse. The same melancholy condition was to be found throughout the whole part of the county, called the Weald of Sussex, with the exception of those places in the vicinity of the hop-grounds. Unless, therefore, some immediate measure of relief was granted, the lands would be deserted by the farmers; they would become waste, and the proprietor must be ruined. If the landholder was thus destroyed, where, he must ask, could the fundholder obtain his interest [Hear, hear!]? It was impossible that a country could be in a prosperous situation, when all its young single men were placed in workhouses for want of employment.

Lord *Castlereagh* thought that the statement of the hon. member did not contradict any thing that he had said. He had compared the present state of the country, as far as it was affected by the poor laws, with its state two years ago; but he admitted that, in the county of Sussex, the pressure of the poor-rates was at present very severe.

Mr. *P. Methuen* said, he was anxious to make a few observations on the prospects which the appointment of a committee held out to the country. He felt that he should be guilty of a delusion, if he considered any legislative measure, such as was intended, likely to meet the extent of the mischief. The fact was, that while taxation continued undiminished, the appalling evils of the poor-rates could not be arrested. The labourer was starving, and the gentleman was struggling. Taxation was the cause why the landlord raised his rent, the farmer his farm produce, and why the labourer suffered; but the latter was the principal victim. Such was the actual state of things in the West of England, and such it would continue, until the efficient remedy, a diminution of taxation, was applied. The House might pass laws, and endeavour to enforce regulations, but the reverse of the picture would not be seen, until the labourer could rely for remuneration, not from the sluggish hand of parochial charity, but from his own honest industry. He did not expect impossibilities from his majesty's government, but he at the same time felt, that it was their duty to apply some efficient correction of the mischief; they should even outrun the exertions of parliament, because, in his judgment, they possessed the power. Convinced he was, that as long as the expenditure continued undiminished, the distress of the country would remain unrelieved.

Mr. *Long Wellesley* thought that the question was reduced to a very small and narrow compass, and that the House had only to determine whether they should vote the resumption of the committee. He felt that he had a public duty to discharge, and he thought he could not discharge that duty more conscientiously than by voting against the resumption of the committee. There was no individual, however obscure, but knew that the poor in this country were in a most abject state, and that it was necessary to amend the laws on the subject. If the committee had been appointed to amend the laws, he should vote for it; but as the laws were admitted to be the best that could be framed, that could not be the object of its appointment. In reply to what an hon. gentleman had stated respecting the use of potatoes, he should only say, that he had a little Irish blood in his veins, and did not think there was any evil to be apprehended from an increase of population. He thought that adequate employment might be found in the country for the whole labouring class of the community. The state of the poor, he thought, required some measure emanating from the executive government, and he could not conceive a greater object for the attention of government. He thought that if any measure were proposed by the administration of the country, it would be hailed as a happy omen by the whole nation, and would not be regarded with apprehension and jealousy, as was apprehended by the noble lord.

Mr. Alderman *Waithman* said, he did not intend to detain the House long. He apprehended, that he did not understand the subject so well as those hon. gentlemen who had spoken before him; but he thought himself called on to mention a few facts which would disprove the statement of the noble lord. He could not believe that the country was in so flourishing a situation as had been represented by the noble lord, because he had the testimony of his eyes and ears to the contrary. In the parish in which he resided when in the country, there was an increase of distress and of the number of poor. The want of gardens attached to their cottages, was a great misfortune to many poor people. In his parish there

were about two hundred cottages, and not one of them had a bit of ground. In this case, when they subsisted almost entirely on potatoes, and had no ground to cultivate for themselves, what could restrain them from committing depredations on neighbouring potatoe-fields? He observed, that from the number of enclosure bills which passed through that House, proprietors of land were more desirous to let their grounds in parks, than to accommodate the poor with cottages and gardens. The ward which he represented contained five parishes, and he had occasion to know, that the pressure of the poor-rates in all those parishes was most severe. He presided at the board by which the people were summoned for their poor-rates; and he had known cases in which numbers had been summoned, over and over again, in consequence of their inability to pay: it required, in fact, continued efforts to keep them out of the workhouses. He must have something better than Custom-house books to convince him that the country was in a flourishing condition; for when that was asserted, he understood it to imply the general diffusion of comfort and happiness. As to the measure now proposed, he was convinced that it was impossible to give any real relief to the poor, but by altering the present system, and reducing the taxes which oppressed the country. That was the object to which he should wish to see the attention of parliament directed.

Colonel *Wood* was happy to assure the worthy alderman, that the garden ground to the cottages had not escaped the notice of the committee. In the report of the committee it was strongly recommended, that all cottages should be furnished with gardens at a cheap rate—a recommendation which he hoped would be attended to. In the course of the discussion, he had heard several remarks which were worthy of the consideration of the committee, but not a reason had been given for not renewing it. The county which he had the honour to represent, felt peculiarly alive with regard to the law of settlement introduced in the last session, by which a residence of three years had become necessary previous to the being entitled to obtain relief. His constituents were certainly alarmed at any meditated change from the present system; and in consequence of the representations which had, from all quarters, been made to him upon the subject, he should be very cautious as to the manner in which he would give his vote. He thought, that to the tyrannical administration of the laws of settlement, might be traced more than half the existing evils now growing from the Poor laws. In short, the whole time of the quarter sessions had been occupied with an attention to the arrangement and transfer of the poor under these laws; and he should even prefer going back to the original establishment of the Poor laws, as the only means of doing any thing, with speedy or permanent good to the community.

Mr. *Mansfield* said, that he had had too long experience as a magistrate, in a large and populous district, not to be as well acquainted with the sufferings of the poor, and as feelingly alive to their distress, as any of the hon. gentlemen who had addressed the House. It was from a deep sense of their distress, that he concurred in the re-appointment of the committee, which he hoped would receive a wide extension, and attentively and zealously direct its vigilance to this most important subject. Before its re-appointment, however, he would beg to suggest to them, that they would meet, not merely to consider the weight with which the poor-rates pressed upon the landed interest, but would have to consider how they might best alleviate the misery and ameliorate the condition of the poor. He could take upon himself to say, that in the district in which he had acted as a magistrate, not only had he found the instances of imposition on the part of the poor comparatively few, but that he had found them generally grateful for the relief which they received; and he, for one, was satisfied, that all the relief they received was due to them, as it kept them from starving or from plunder. He objected to a statement which had been made by an hon. gentleman in the course of the debate, of the severe and exclusive pressure which he had asserted the land to suffer from the poor-rates, for he had forgot to state how much the land had benefited by the poor when their condition was better, and had enabled them to maintain themselves by their industry. He concluded by strongly calling upon the committee, while they considered the landed interest, not to forget the interests of the poor.

The motion was agreed to, and a committee, to consist of the following mem-

bers, was appointed, viz., Mr. Sturges Bourne, Mr. Curwen, lord Castlereagh, Mr. Ashhurst, sir T. Baring, Mr. Bathurst, lord W. Bentinck, Mr. Brand, Mr. Cartwright, Mr. T. Courtenay, lord Cranborne, Mr. Dickinson, Mr. C. Dundas, Mr. Fitzhugh, Mr. Davies Gilbert, Mr. Holford, Mr. Huskisson, lord Lascelles, Mr. Shaw Lefevre, Mr. Frankland Lewis, Mr. Morritt, sir John Osborn, sir W. Rowley, Mr. W. Smith, Mr. Holme Sumner, Mr. Wood, Mr. Walter Burrell, Mr. F. Douglas, Mr. Macpherson Grant, Mr. Kennedy, Mr. Tomline, sir John Riddell, Mr. Wodehouse, and Mr. Shelton.

TRIAL BY BATTLE ABOLITION BILL.] The *Attorney General* rose to submit the motion of which he had some days since given notice to that House. The law as it then stood with regard to the Wager of Battle had, as he believed, never before been regularly brought under the consideration of parliament. Indeed, the only consideration which he ever knew to have been bestowed upon the subject, had taken place only when particular circumstances had excited the passions and prejudices of men, as had been particularly exemplified in the last appeal of battle which had been made during the course of the past year. The subject, however, had never undergone a calm and deliberate investigation, and in all human probability would have still remained upon the statute book, had not those circumstances, which would be fresh in the recollection of the House, induced him to direct his immediate attention to the question. Here the hon. and learned gentleman entered into a detailed and luminous history of the origin, progress, and changes that had occurred in the Wager of Battle, and observed, that by the existence of such a law, every individual would have it in his power not only to be the avenger of his wrongs, but the arbiter, and often the unmerciful arbiter, of the life and happiness of others. The Wager of Battle as it then existed was both cruel and absurd, and contrary to every principle of justice. The appeal in cases of murder would be seen to be a most violent outrage upon every law of justice. And for the simplest, yet most satisfactory, of all reasons —namely, that when a party had been once tried and acquitted, he never should undergo the ordeal of a second trial for the same offence. But by the law of Wager of Battle, it could be demanded by dissatisfied or revengeful parties; and so far it tended to prejudice the law of the land, and rendered its most salutary provisions for the public good almost nugatory or abortive. The detail of the operations of so barbarous a law, could not prove of any particular interest to the House. Indeed, its provisions generally, except to the members of that profession to which he had the honour of belonging, were totally unfamiliar; and he only rapidly ran over them, in order the more clearly to demonstrate the propriety—if in an enlightened age any such demonstration could be necessary—of its entire and immediate abolition. Cruelty and absurdity had both marked its progress in every stage, from the false and unjust principle on which it rested, to the spirit of vengeance which it both engendered, and often had gratified. Its various anomalies could be adduced in proof of its absurdity—a sufficient motive for its abolition, even if the more imperious motives of its iniquitous and immoral tendency had not existed to call for its extinction from the statute book. However dry and unentertaining such subjects would seem to many, yet the law of the Wager of Battle loudly called for the interference of the legislature. Various alterations had taken place, from time to time, in that strange and cruel law, although a law, perhaps, in some instances, which would not be found to be entirely unsuited to the practices of the ages in which it had been used. But still, so absurd and cruel had its operation been generally considered, that appeals of murder had fallen into a sort of desuetude for very considerable period. As he had a before stated to the House, his attention had been first particularly drawn to the subject, in consequence of a notorious transaction that could not be very easily forgotten by any honourable member whom he had then the honour of addressing. If the law was to be altered, the appeal itself should be abolished, and the barbarous mode of going through it would necessarily fall with the appeal. With regard to appeals in robbery, little remained to be then stated. Previous to the period of Henry 8th, appeals in robbery had been the principal, if not the only method by which stolen property could be recovered; but since that reign, restitution for stolen goods could be obtained, and usually had been, without the interference of a law so monstrous. Every

attempt that had been made for the improvement of that law, only further tended to display its unspeakable absurdities; and, as a proof of the singularity of its enormity, he should state one of its operations to the House. If a man had, from passion or any other cause, produced an injury to a woman, the last and perhaps the worst that could have befallen her; but still willing to make her all the reparation in his power, offered her himself in marriage, and had been accepted, still the next of kin could enter a prosecution against him, demand his appeal of battle, and eventually perhaps have him prosecuted to death. Here, then, appeared not only the absurdity, but the crying injustice of that law, which that House and the country now wished to see abolished. But the great evil of the Wager of Battle generally had been, that it gave to a vindictive party a power he never should have had, and that, without the possibility of the slightest interference upon the part of the government or the Crown! If a party had been convicted at common law, the Crown, if it perceived sufficient motives for so doing, could have exerted its royal prerogative in the extension of mercy, and issued the royal pardon to a penitent individual. But by the law of Wager by Battle, the Crown and the government were denied the highest attribute they could possibly wish to have enjoyed—that of dealing justice in mercy to all who had endeavoured by contrition to deserve it. In fact, vengeance or avarice were the judges to decide with Wager of Battle; and, under all the circumstances, the trial by appeal could neither be made equitable nor just. The second part of his intended bill related to trial by battle in writs of right; and he was convinced that the absurdity of the practice in this case was so apparent to every member of the House, that it was unnecessary for him to detain them with any further observations. He should therefore conclude with moving, "That leave be given to bring in a bill to abolish Appeals of Murder, Felony, or Mayhem; and Wager of joining Issue and Trial by Battel, in Writs of Right."

Mr. *Denman* said, that it would be presumptuous in him to go over the grounds so ably gone over by his hon. and learned friend; he rose, therefore, for no purpose of discussion, but merely to state how cordially he concurred in every thing that had been said, and to expres a hope that the great reform contemplated would be adopted by the unanimous vote of the House. The appeal of murder, which was proposed to be abolished, was always an appeal from a jury, that decided without prejudice, to one which must of necessity be prejudiced. This would have been particularly the case with the appeal which had suggested this change in the old law, where he was sure an impartial jury could not have been found. The same was the case in the last appeal for the riots in St. George's-fields, where a person was tried at the instance of the widow of the deceased, whose abandonment of the prosecution was purchased by 500*l*. He seconded the motion most cordially, and hoped that the spirit of the age, which made this reform necessary, would not stop here, but follow up the principle of improvement, in other parts of our criminal administration which cried aloud for revision and reform.

Mr. *Bernal* rose, particularly as a member of that profession to which the hon. and learned attorney-general had proved himself so great an ornament, to thank him for the manly eloquence with which he had prefaced his motion for leave to bring in a bill to abolish the barbarous law of Wager of Battle; but he begged leave to suggest to him that he believed the right of appeal could be still demanded in cases of treason committed beyond the seas, and if so, that he would also have the right abolished in that as well as in all other cases.

The *Attorney General* apprehended that appeal in cases of treason, was totally abolished.

Mr. *Bernal* said, he knew it was abolished in this country, but he believed it still extended to treason committed beyond seas.

Leave was given to bring in the bill. It was accordingly brought in, and read a first time.

HOUSE OF LORDS.

Wednesday, February 10.

Westminster Hustings Bill.] Lord Sidmouth having moved the third reading of this bill,

Lord *Holland* said, there were circumstances connected with this bill which, as it appeared to him, would render the passing of it at this time, and in its present shape, very improper. He thought it unfair towards the parties who were

candidates, while at the same time he was of opinion that the situation in which the high bailiff was placed was one which required some remedy. He, however, did not mean now, in the last stage of the bill to offer any objection, except on a point of form. This, their lordships would observe, was a bill to revive an act which had expired; and on examining it, he found that it merely recited the title of the bill which it proposed to revive. He was aware, that if the bill proposed to continue an existing act, it would be sufficient to set forth the title of the act; but when the law had been allowed to expire, the case was very different: it then seemed necessary that all the provisions of the act proposed to be revived should be recited in the reviving bill. If this were not done, their lordships would be obliged, in the case of every revived act, to go and search the charnel house of parliament, in order to learn the existing law from defunct statutes. This, their lordships would recollect, was to be an act of parliament *de novo*; for the act proposed to enact what at this time was not the law of the land, and yet when passed, the law would not appear on the face of the act.

The *Lord Chancellor* did not consider the objection of sufficient weight to delay the passing of the bill. The noble lord admitted, that if the bill had been to continue an existing act, it would not have been necessary to do more than recite the title of such act; and, in fact, this was also all that was required for the renewal of an expired law: for by an act introduced by the late Mr. Perceval, it was provided, that in any act purporting to continue another, it should be sufficient to recite merely the title of the previous statute, though it should have expired before the continuing act passed. The present bill, therefore, would, on its being passed, have the force of law in the same manner as if all the provisions of the expired law had been recited in it. The noble lord must, therefore, perceive, that the present bill was unexceptionable, for it not only proposed to revive, but to continue, the former act.

Lord *Holland*, notwithstanding what had been said by the learned lord, was of opinion that, as this was *de facto* a bill to revive, it ought to contain the provisions of the expired act. He did not mean to assert, that it would not have the force of law when passed; but though the word continued was inserted, he thought it would be more regular, if the amendment he had suggested were adopted. The act had expired, and their lordships were now passing a purely reviving bill.

The Earl of *Lauderdale* thought it very extraordinary, that a bill which on the face of it professed to revive, should be regarded as the same as a merely continuing bill. He should have expected the learned lord to propose to strike out every thing relative to the revival of the former act. If he approved of the bill, he would make a motion to that effect; but it was not for him to seek to correct a bill which he disapproved and considered altogether unjust.

The *Lord Chancellor* was satisfied, if he understood Mr. Perceval's act, that the wording of the present bill was perfectly correct. It proposed both to continue and revive. All that could be objected to it, therefore, was, that it contained more words than were necessary; but he did not consider that a reason for delaying the measure by striking out the superfluous words.

Lord *Holland* did not consider Mr. Perceval's as strictly applicable to the present bill, which distinctly professed to revive an expired law. He, besides, thought it necessary that the provisions of the former act should be recited, in order that the law might be known.

The bill was then read a third time.

HOUSE OF COMMONS.

Wednesday, February 10.

Usury Laws Repeal Bill.] Mr. Serjeant *Onslow*, in rising to move for leave to bring in a bill to repeal the laws which restricted the rate of interest, said, that as there were now in the House many members who were not present during the former discussions of this subject, he might be permitted to say a few words as to the grounds of his motion. An opinion in favour of the measure, similar to that which he proposed, had been expressed, not only in England and on the continent of Europe, but by the most enlightened citizens of the United States of America. In the year 1817, a motion mas made in the House of Delegates of Virginia for a repeal of the Usury Laws, and the speech of Mr. Hays, the gentleman who brought forward the measure, was an evidence of the talents of the supporters of it in the United States.

The laws against usury had, in fact, their origin in a blind and fanatical perversion of the words of scripture; and the opprobrium which had been cast upon those who in modern times took more than the legal rate of interest, was formerly thrown on all those who took any interest for money lent. The term usury, in fact, was applied to the receiving of any use or interest on money. The act of Henry 8th, the origin of the present usury laws, was not an act of restriction, but an act of enlargement; for as it was found impossible to enforce the absurd prohibition on the taking of interest, the rate was limited to 10 per cent. In the reign of Edward 6th that act was repealed, and the taking interest prohibited; but the consequence was, that the rate of interest which before was below 10 per cent rose to 14 per cent. In the reign of queen Elizabeth, the law fixing the rate at 10 per cent was revived, while, at the same time, the taking any interest was declared sinful and detestable. Since that time the rate had been gradually reduced; but it was remarkable, that while the taking interest above a certain rate subjected the lender to treble penalties, it did not appear that the law prohibiting the taking of any interest had been repealed. The disapprobation of the habit of taking any interest on money was repeated in the act of queen Anne, though in different terms. The learned serjeant then recapitulated the various inconveniencies with which the usury laws were attended, as had been fully proved before the committee which had been appointed to inquire into the subject. It had been proved, that in consequence of fixing a legal rate, which had often been below the market rate of interest, the landholder, when incumbered by debts, was forced to a disadvantageous sale of his estate, or compelled to raise money by way of annuities, on lives named by the grantee, at from 10 to 15 per cent. Although during the period at which these inconveniences were felt by the landholder, the same inconveniences were not felt by the holders of bills of exchange: that was to be attributed to the Bank restriction, which enabled the Bank to discount bills to an unlimited extent. As some observations of Dr. Adam Smith had been alluded to, which were at variance with his view of the subject, and, indeed, with other parts of that distinguished writer's own work; it was satisfactory for him to state, as he was enabled to do, that Dr. Smith, with the candour which distinguished great minds, had confessed, after having read Mr. Bentham's work, that the view he had taken of the subject was not correct. His bill was simply to repeal the restriction on the rate of interest under special contracts, — the rate of interest under orders of courts of law or equity remaining as at present. He then moved, "That leave be given to bring in a bill for repealing the Laws which prohibit the taking of Interest for Money."

Mr. *Hume* said, that the motion had his hearty concurrence. Property in houses was left to the discretion of its holder. Why, then, should money, the representative of property, be restricted? The holder of every other kind of property was left to manage it to his profit or his loss, as it might happen. A man could let his house at full value, at double value, or at half value. Why should not the holder of money have equal freedom? The owner of a house worth 1,000*l.* might get a yearly rent of 100*l.* 200*l.* or 300*l.* for it. If left equally free, the owner of money might get 10, 15, or 20 per cent from some, when from others he could only get 5 or 6 per cent. Although this country had flourished under restrictive acts, he hoped the time was come when the principles established by the many able books on political economy would be recognised, and when every restriction would be removed from manufactures and commerce —from the efforts of industry, and the enterprises of speculation.

Leave was given, and the bill was brought in, and read a first time.

HOUSE OF LORDS.

Thursday, February 11.

Congress at Aix-la-Chapelle—Holy Alliance.] The Earl of Liverpool having laid on the table, an Additional Paper relative to the payment of the pecuniary indemnity by France to the Allied Powers under the convention signed at Aix-la-Chapelle, on the 9th of October 1818,

Lord *Holland* wished to ask the noble earl, first, whether any paper had been laid upon the table respecting the slave trade; and next, for some explanation respecting the documents which had been laid before the House. He did not mean to desire an explanation of the language

of some of the protocols, in which the noble earl would, perhaps, find it difficult to discover a meaning, but to confine himself to certain expressions which appeared to refer to what was commonly called the holy alliance (to which it had been hitherto understood England was not a party), and to ask whether the noble earl intended to communicate a copy of the holy alliance to the House? In a protocol signed at Aix-la-Chapelle, the 15th November, 1818, by the plenipotentiaries of Austria, France, Great Britain, Prussia and Russia, he found it declared, "That they" (that is to say, the powers above-mentioned) "are firmly resolved never to depart, neither in their mutual relations nor in those which bind them to other states, from the principle of intimate union which has hitherto presided over all their common relations and interests—a union rendered more strong and indissoluble by the bonds of Christian fraternity which the sovereigns have formed among themselves." Those bonds of Christian fraternity, he concluded, meant the holy alliance; and this treaty being thus alluded to in a protocol agreed to by this country, he thought it of importance, with a view to a proper consideration of the subject, that the House should be in possession of a copy of that treaty of holy alliance, in order to ascertain what were its stipulations.

The Earl of *Liverpool*, with reference to the question respecting the slave trade, stated, that he expected shortly to be enabled to lay papers upon that subject before the House. The other question of the noble lord he had no hesitation in answering. The treaty of holy alliance was signed at Paris, in 1815, personally by the sovereigns of Austria, Russia and Prussia, without the intervention of any ministers, and was communicated to this government. It being, however, contrary to the constitution of this country, for the Prince Regent, acting in the name of the sovereign, to sign an autographic treaty, without the intervention of a responsible minister, intimation to that effect was transmitted to the other sovereigns, stating, at the same time, that the treaty alluded to was in conformity with the disposition of the British government; and this government had since indirectly acceded to it. It certainly, however, was not his intention to lay upon the table a copy of the Treaty of Holy Alliance.

Lord *Holland* thought, that their lordships ought to be told what the principles were to which the noble secretary of state alluded. The protocol on the table declared, that the five powers, of which this country was one, were united, and acted on a principle of intimate union, rendered indissoluble by the bonds of Christian fraternity. The treaties and conventions of Aix-la-Chapelle were represented to have been on certain principles, and those principles, it was to be inferred, were the same which had served for the foundation of the Holy Alliance. It appeared proper, therefore, that that paper should be communicated to their lordships; and he wished to know from the noble earl, whether he meant to lay it before the house.

The Earl of *Liverpool* said, he had already stated, that this country was no party to the treaty in question: it followed of course that it could not be regularly called for by their lordships. It certainly had not been his intention to produce it, nor was he aware of any ground on which it could be laid before the House. The reference to principles to which the noble lord had alluded, was merely to those on which the allied powers had all along publicly acted.

Lord *Holland* was sorry the noble secretary of state was not disposed to give their lordships this information. He was extremely anxious to see what were the bonds of Christian fraternity to which the protocol he had alluded to referred.

HOUSE OF COMMONS.

Thursday, February 11.

CONTAGION IN THE PLAGUE—SELECT COMMITTEE APPOINTED.] Sir *John Jackson*, after observing that he believed there would be no objection to his motion, moved, "That a Select Committee be appointed to consider of the Validity of the Doctrine of Contagion in the Plague; and to report their Observations thereupon to the House."

Mr. *Wynn* observed, that as no explanation of the reasons of this motion had been given, it seemed to him a subject on which it would be better to call for the opinion of the college of physicians than of a committee of this House.

Mr. *Robinson* said, he trusted he should be able to show that there were sufficient parliamentary grounds for the present motion. The quarantine laws, it was well known, were very rigid in their nature,

and entailed much inconvenience and expense on the ships that were subject to them. These laws were entirely founded on the opinion which, for some centuries, had prevailed, that the plague was contagious; but recent inquiries had thrown considerable doubts on the validity of that doctrine. It would be extremely desirable to collect all the means of decision as to the validity of that doctrine. The question had been brought under the consideration of the branch of government with which he was connected, and he confessed he had been struck with the reasonings which had been adduced in favour of the opinion that it was not contagious, but epidemic. The subject had been referred to the college of physicians, who had originally advised the enactment of the quarantine laws; their opinion certainly was, that their original doctrine was sound and untouched by subsequent experiments. The subject, however, deserved every degree of light which could be thrown upon it, and it so happened that the committee which had sat last year on the prevailing epidemic fevers in London, had added to the doubts which had been entertained as to the nature of the plague. He trusted, therefore, that the subject was not unworthy of the consideration of a committee, as the settlement of this question, especially if it should be established that the plague was epidemic and not contagious, would be of the highest importance to the interests of commerce, and the happiness of the world.

Mr. *Wynn* said, that after the explanation which had been given, he could have no possible objection to the motion. But he trusted the House would pause a little before it legislated, if a committee of the House should be of a contrary opinion to the college of physicians.

Sir *John Jackson* begged to state the reasons which had induced him to trouble the House with the present motion. He had been on the committee which had inquired, in a former session, into the nature of the epidemic fever prevalent in London. The testimony which Dr. Roberts gave to that committee, had perfectly astonished him. Dr. Roberts had been for 24 years the principal medical attendant at Bartholomew hospital, and declared, that in all that period of his practice, he had scarcely known an instance of a fever being contagious. He hoped the House would consent to take the subject into consideration.

The motion was agreed to, and a committee, consisting of the following members, was appointed: sir John Jackson, Mr. Boswell, Mr. Frederick Robinson, Mr. Fowell Buxton, Mr. Henry Clive, Mr. Cust, Mr. Dawson, Mr. Wilberforce, Mr. Fazakerley, Mr. Davies Gilbert, Mr. Wallace, Mr. Sandford Graham, Mr. Hudson Gurney, Dr. Phillimore, Mr. Morritt, sir Charles Monck, Mr. Macqueen, Mr. Fleming, Mr. Legh, Mr. Heygate, and Mr. Bennet.

Chimney Sweepers Regulation Bill.] Mr. *Bennet* said, he rose for the purpose of moving for leave to bring in a bill to prevent the Sweeping of Chimnies by means of Climbing Boys. As there were many members in the present parliament who were not in the last, he deemed it requisite to mention some of the circumstances which had been stated to a former parliament. The report which a committee appointed by that parliament had made, the communications which had been received from all parts of the country, and the evidence which had been collected and placed before the public for inspection, must have fully justified those who were sanguine last year, in being more sanguine during the present year. It was not necessary for him to detail the miseries to which these poor children were exposed; they met the eye of every man in his daily walks. The report of the surveyor-general of the board of works, which had been drawn up during the recess, stated that the chimnies might be divided into four classes—910 in the first class, 50 in the second, 30 in the third, and 10 in the fourth, out of every thousand. Of these only 10 could not be swept by means of machinery. The house of a distinguished individual (he believed he might mention his name—it was earl Spencer) was said to have its chimnies constructed in such a manner as to render it impossible that they should be swept by machines: by his advice, however, machines had been applied to them; and he was happy to say, that they had all been swept by them. He would therefore affirm, that there were no chimnies which could not be swept by machines, or, if there were any, that they were only found in the mansions of the rich and opulent. The expense, therefore, of altering them could not be severely felt; or even if it were, ought not to be set in competition with the anguish and misery suffered by these

climbing children. To show the use of the machine in another point of view, he would only add, that during the last month a chimney had been swept at the Tower with a machine in half an hour, which a boy was five hours sweeping some time since, and in which, as he was informed, a boy was once confined eight and twenty hours. To prevent the recurrence of such misery, he begged leave to bring in the present bill, which had been approved of by the last committee. The only alteration which he had made in it since that time was, to allow two years instead of one, before he called for the total abolition of the present practice of sweeping chimnies.

Leave was given to bring in the bill.

EXCHEQUER BILLS BILL.] On the order of the day for the second reading of this bill,

Mr. *Ellice* observed, that in a return from the Bank of England, he observed the following note:—"This account is exclusive of all exchequer bills and Irish treasury bills purchased by the Bank, whether advertised to be paid off or not." He wished to know whether this note referred to exchequer bills held by the Bank, which had been advertised to be paid off, and which that establishment had not sent in? And secondly, whether they had been so detained in consequence of any understanding with government?

The *Chancellor of the Exchequer* said, that it sometimes happened, that when exchequer bills were advertised for payment, the public received for them either money or other bills. In the same way, the Bank had continued to hold exchequer bills over. The note to which the hon. member had referred was common to all returns relating to the advances made by the Bank to government; the exception was always made.

Mr. *Ellice* begged to explain his reason for putting the questions. The chancellor of the exchequer, on a former night, had said that government had paid off 5,000,000*l.* out of 8,000,000*l.* due to the Bank: if the payment had been made, and the Bank at the same time withheld exchequer bills that in due course would have been paid off, so far it would amount to no payment. Was he to understand that the two transactions did not interfere with each other?

The *Chancellor of the Exchequer* added, that the two transactions did not interfere. When he had spoken of 5,000,000*l.* due to the Bank having been paid off, he meant to say, that all the advances to government by the Bank had been reduced by that sum.

The bill was then read a second time.

HOUSE OF COMMONS.

Friday, February 12.

TRIAL BY BATTLE ABOLITION BILL.] This bill, on the motion of the chancellor of the exchequer, was read a second time.

Mr. *Denman* observed, that as the proposal to abolish the appeal of murder had called forth some remarks in another place, it might be advisable that the committee should stand over for some time, to see whether any petitions were presented against that measure. The law, too, proposed to abolish the Wager of Battle, not only in writs of right hereafter to be brought, but in any which might be now depending. Though he did not know that there were any such writs now depending, he thought it would be a bad precedent in legislation, to introduce a clause having an effect upon suits depending.

The bill was ordered to be committed on Monday.

CUTLERY TRADE BILL.] This bill was read a third time. On the motion, that it do pass,

Mr. *Denman* said, he had observed a clause in the bill which he considered highly objectionable: it offered a reward to offenders, on their giving information against those who had employed them. This provision appeared to him to encourage the offence against which it professed to guard, and to ensure frequent falsehoods in informations. If the bill could not be carried into effect without this provision, he would rather lose it altogether. What was its object, but merely to mark with a hammer, wrought-iron, so as to distinguish it from cast-iron?

Mr. *Stuart Wortley* said, the objection had occurred to others in preparing the bill; but upon consideration, all agreed that without this provision the bill would be ineffectual.

Mr. *Denman* was glad that the objection had struck others as well as himself.

The bill was then passed.

DROGHEDA ELECTION PETITION.] Sir J. Graham presented a Petition from

Edward Alderson, the agent of the petitioners against the Drogheda election, praying that the petitioners, who had not put in proper recognizances within the fourteen days allowed by law, might have further time allowed to do so.

The *Speaker* said, that the question here appeared to him to be, not whether the House was disposed to grant the prayer of the petition, but whether they were not precluded by the act from interfering at all. The case was not one in which the recognizances had been entered into before the fourteen days had elapsed, and the report had not been made in time to the House; neither was it a case in which the enlargement of the time was prayed for before the expiration of the fourteen days; but it was a case in which the recognizances had not been entered into before the fourteen days had elapsed after the petition had been presented. The House had already enlarged the time for giving information to that House, but that enlargement had no reference to the case now before them. The act said, that good and sufficient security must be got within fourteen days, and it allowed that period to be enlarged only once, and that for thirty days. But the question really was, whether it was not imperative on the House to have granted that enlargement before the fourteen days elapsed. In the present case, it would not be an enlargement, but a revival of the time. The question then was, whether the House, having prolonged the period once, for receiving information as to recognizances having been entered into, could now revive the period for entering into those recognizances?

Mr. *Wynn* observed, that the petitioners deserved the favourable consideration of the House, because this being the first general election since the last act was passed, it was doubtful whether they were acquainted with the nature of it. But it seemed from the statement of the case, that it was not in the power of the House, bound down as it was by an act of parliament, to grant the relief which had been prayed. It might be a question whether this was not a case for a special act of legislation, and whether, as in former cases in which petitioners had been prevented from entering into their recognizances, being absent on public service, a special bill might not be brought in to enable the House to grant relief.

Sir *J. Graham* said, he thought it adviseable—as the House could not act in the matter, to withdraw the petition for the present.—The petition was then withdrawn.

Nottingham Election Petition.] Mr. *Brougham* stated the case to the House on which he intended to move, that the consideration of the petition against the election for Nottingham should be postponed. Two petitions had been presented against the return for that town: one on the 25th of January, and the other on the 3rd of February. The petitions were in the same words, but signed by different voters. The first petition which had been presented was ordered to be taken into consideration on the 2nd of March; and the second, which was presented before the first was abandoned, was ordered to be taken into consideration on the same day. After this, the first petition was abandoned. If the second petition had been presented after the first had been abandoned, it could not have been taken into consideration till between the 23rd and 30th of February, but by keeping the first petition alive till the second was presented, the petitioners had been forced into a priority over petitions which had been presented earlier. This was shortly, the ground on which he had to apply to the candour and justice of the House, to put the sitting member in the same situation as if the first petition had not been presented. The hardship on the member petitioned against, was, that as the last day on which the petitioners might put in their recognizances was the 17th of February, and as the petition was to be taken into consideration on the 2nd of March, the member had only six clear days to prepare his lists. He therefore moved, that the order for taking the petition into consideration on the 2nd of March be discharged.

Mr. *Bathurst* said, he was at a loss to know on what grounds the proposal could be made. It had been admitted that both the petitions were in the same words; it could not be said, therefore, that the sitting member was taken by surprise. The circumstances connected with the petitions were these:—the agent of the petitioners had not been aware of the notice required on putting in sureties; when he had come to town, therefore, he had found that the time had elapsed for giving notice. He had therefore sent in another petition, signed by different electors, in

the same words as the former. He therefore could not see that this was a disadvantage to the sitting member, because, if a mistake had not occurred, he would have had to meet the first petition at the time that he would now have to meet the second. It was to be observed also, that the days between the 23rd and 30th of March were full, so that if the petition was not taken into consideration on the day now appointed, it must be put to the end of the list. It deserved consideration, too, whether, it was adviseable to keep such a town as Nottingham in a state of ferment longer than was necessary.

Mr. *Brougham*, in explanation, said, that his noble friend the member for Nottingham (lord Rancliffe), had been put to this material inconvenience, that whereas if the first petition had been proceeded with, he would have had from the 7th to the 24th of February to prepare his lists; he had now only from the 17th to the 24th. He had, notwithstanding this, been put to expense and inconvenience from the presentation of the first petition. If his motion was rejected, it might, and undoubtedly would happen, that a first petition would be presented without any intention of prosecuting it. After which a second petition would be put forth, the recognizances on which might be entered into only a short time before the ballot. If the House could not fix any day between the 23rd and 30th of March, because there was no vacancy, it was to be recollected, that it was by the negligence of the petitioners that they had incurred this inconvenience. The fair course for them to have pursued, would have been to have acted as the petitioners in the Camelford election had done—to have abandoned the first petition before the second was presented. If the House should object to a long delay, there was the 9th of March which stood open, as the petition from Oxford would not be prosecuted as an election petition.

Mr. *Bathurst* said, that if the hon. and learned gentleman only wished for a delay of a week, he should not, though it would be inconvenient to the petitioning party, oppose it.

Mr. *Brougham* said, his application was, that the petition should be taken into consideration on some day between the 23rd and 30th of March.

Mr. *Wynn* said, he conceived a member was bound to prepare his defence from the first moment of the presentation of a petition against him. Yet, at the same time, the petitioners, who had neglected to take the proper steps in the first petition, could not complain if they were put in the same situation as if that petition had not been presented.

Lord *Castlereagh* thought it fair to grant any accommodation to the sitting member that was not inconsistent with the just claims of the petitioners, who were but too likely to be inconvenienced by the extent of the delay which the hon. and learned gentleman proposed. With a view to decide fairly towards both parties, he thought it better to discharge the order, and fix the ballot for the 9th of March.

Mr. Brougham acquiesced in the arrangement proposed by the noble lord, and the ballot was accordingly fixed for the 9th of March.

HOUSE OF COMMONS.

Monday, February 15.

PETITION FROM LONDON FOR THE SUPPRESSION OF DISORDERLY HOUSES.] The Sheriffs of London presented a Petition from the Lord Mayor, &c. setting forth,

"That the Petitioners have long and deeply lamented the extent and prevalence of female prostitution, and its unhappy and pernicious effects on society at large, but more especially among the rising generation; and that they are convinced that the number of brothels and disorderly houses which are to be found in various parts of the metropolis, and the methods which are devised and practised by the proprietors of such houses to evade the existing laws, have greatly contributed to the continuance and increase of this alarming evil; that, notwithstanding the utmost vigilance of the magistracy, their efforts have too frequently proved unavailing for the suppression of houses of this infamous description, by reason of the heavy expenses which attend the prosecution of the parties by indictment, and the ease with which they can occasion delay, by the adoption of legal artifices; also, on account of the great and almost insuperable difficulty of procuring evidence of that nature and degree which the existing laws require to convict the owners or occupiers of such disorderly houses and brothels; that in many instances of conviction and punishment, after much delay and expense, the occupiers are found

frequently to transfer the possession to others of the same description, and who continue to practise the same iniquitous conduct; the petitioners therefore humbly submit to the House the necessity which exists of rendering the laws more adequate and efficient to the remedy of this evil, by such means as in the wisdom of the House shall appear expedient."

Mr. Alderman *Wood*, on moving that the petition be printed, took the opportunity of reminding the House of the great importance of the subject. The present law was, he said, quite insufficient to repress the existing evil. The disgraceful mode in which those unfortunate women were managed during their confinement, kept without labour, and mixed up with paupers, was also a topic that demanded serious attention. It was not his intention to propose any measure on the subject; but perhaps the law officers of the crown would, at some future period, apply themselves to its legislative correction.

Slave Trade.] Lord Castlereagh laid on the table papers relating to the Slave Trade, and minutes of the conferences which had taken place on this subject at the Congress of Aix-la-Chapelle.

Mr. *Wilberforce* said, that the documents were too voluminous to be taken into consideration to-morrow, as the noble lord had proposed.

Lord *Castlereagh* concurred, that members could not be prepared for a discussion on the subject until the papers had been printed; he therefore would postpone his notice until Friday next.

Mr. *Smyth* wished to obtain from the noble lord some information on another important point connected with this interesting question. The House were aware that conventions had been signed between this country and Spain and Portugal, for the establishment of commissions for the adjudication of captured slave ships on the coast of Africa, in South America, and in the island of Trinidad. The ratifications of those conventions were to be exchanged within a limited time; and at the expiration of twelve months at the latest, the commissions were to be established. He wished to know whether that desirable object had yet been accomplished, and if not, when it was probable that it would be attained.

Lord *Castlereagh* observed, that there had been three conventions concluded of the nature described by the hon. gentleman, one with the government of the Netherlands, which had not been proceeded upon, as it had not yet received the sanction of the legislature. With respect to the conventions with Spain and Portugal, bills had passed which had enabled his majesty's government to act on them. They had followed up all the details of the subject with the utmost anxiety for their completion, and although the necessity of combining their arrangements with the arrangements of foreign powers had retarded the operation, he had the satisfaction to say, that at a very early period the commissions would be in action.

Mr. *Wilberforce* complained, that a strange delay had occurred in sending out the commissioners. He did not mean to impute it to the noble lord opposite; but the House should know, that every day which was suffered to pass before they went out, signed the death-warrant of hundreds of their fellow-creatures.

Trial by Battle Abolition Bill.] The *Attorney General*, in moving the order of the day for the House to resolve itself into a committee on this bill, begged to be allowed to make one or two observations on the subject. He understood that he had been accused of having surreptitiously introduced into the bill the Abolition of Appeals of Murder—his original proposition being merely the Abolition of the Wager of Battle; and that he had also been accused of hurrying the measure through the House. The truth of those charges he utterly and absolutely denied. He might appeal to every hon. gentleman who was a member of the last parliament, whether, in giving notice on the subject in the last session, he did not distinctly state that it was his intention to propose the Abolition of Appeals, and of course the Wager of Battle as comprehended in them. He did not at the time of giving that notice, name a day for making his motion, because he knew that various opinions were entertained on the subject, and he wished hon. gentlemen to turn their minds to it in the interval between the dissolution of the last and the assembling of the present parliament. When, in the present session, he gave notice of his motion, he also distinctly stated that he intended to propose the Abolition of Appeals of Murder, and having brought in the bill

on the 1st of February, he was so far from making any attempt to smuggle it through the House, that he delayed the further proceeding on it until the Tuesday se'nnight after. It was his intention, if the House went into the committee on the bill, to propose several amendments, chiefly in the phraseology of the clauses, but one of a material nature. An hon. and learned gentleman had thrown out a doubt if the appeal of treason was yet in existence. Unquestionably, the appeal of treason committed in this country had long ceased; still there might be some doubt with respect to treason committed abroad, although it must be considered as virtually abolished, since there was no court in which an appeal could be brought, unless by especial interference of the king. But, if the abolition of it was not expressly stated in the law books, he could have no hesitation in introducing it in this bill. Holding the official situation which he did, he felt himself bound to justify himself from the charges which had been brought against him; although he was persuaded that no hon. member on either side of the House could believe him capable of such conduct as that of which he had been accused.

Sir *F. Burdett* perfectly acquitted the hon. and learned gentleman of all intention either surreptitiously to introduce a subject into the bill of which he had given no notice, or of endeavouring to hurry or smuggle the measure through the House. On the contrary, the hon. and learned gentleman had given more than the usual and necessary notice of his proposition. The hon. baronet said, that he wished to save one part of the law of appeal; namely, that which was made in cases of murder; and he intended, when the bill was recommitted, to submit an amendment to that effect. He admitted it would be a hardship to have any man liable to be tried twice for the same offence; but he considered the right of appeal in such cases necessary, as a protection against an undue exercise of the power of the crown in pardoning persons convicted of murder.

Sir *James Mackintosh* said, he would have offered himself upon this subject on a former occasion, had he anticipated any serious objection to the bill; but he considered it so wise and so much called for a measure, that he did not imagine any individual would have opposed it. He would listen with pleasure to any arguments which might be offered in favour of the appeal in cases of murder; but he professed he did not see how any part of the law could be suffered to remain, without leaving a principle equally inconsistent with humanity and justice. The objections to the repeal of that part of it which applied to cases of murder, rested upon no better authority than the observations of Junius upon the case of the Kennedies.

The bill was then committed.

Chimney Sweepers Regulation Bill.] On the order of the day for the second reading of this bill,

Mr. *Ommaney* made two objections to it. The first was that the laws as they stood at present gave the climbing boys sufficient protection; and the second, that the machinery which was proposed to be substituted for them was not found to succeed.

Mr. *Bennet* said, that if the hon. member had devoted an hour of his time to reading the reports of the committees which had investigated the matter, he would have found a complete and satisfactory answer to his objections. The answer to the first might be found in the evidence of the masters themselves, who had all admitted that the laws were not sufficient for the protection of the children. His answer to the second objection would be, that that could not be called a failure in the machinery which succeeded in 990 cases out of 1000.

The bill was then read a second time.

Usury Laws Repeal Bill.] On the order of the day for the second reading of this bill,

Mr. *Calcraft* said, he did not intend to offer any objection to the bill in its present stage, nor to its going into a committee; but when the report of the committee should be brought up, he should feel it his duty to give the measure every opposition in his power.

Mr. *Protheroe* also expressed his intention of postponing his opposition to the bill. It appeared to him to be much too bold an experiment at the present time; and he trusted that at a future stage the hon. and learned gentleman would be induced to withdraw the measure.

Mr. Serjeant *Onslow* said, that as the opposition to his measure was postponed, he would of course also postpone his defence of it. He fervently hoped that it would be fairly considered, his firm

opinion being that it was most desirable. The bill was then read a second time.

Motion respecting the Proceedings against Edward Burk.] Mr. *R. Martin*, in pursuance of notice, rose to move for a copy of the bill of indictment found against Edward Burk, and the proceedings had thereon. After some preliminary observations, the hon. gentleman proceeded to state, that in 1815 a bill of indictment, at his instance, had been found against Edward Burk, for wilful and corrupt perjury; that in consequence of the bill having been found against Mr. Burk, he would have been put on his trial, but for an affidavit, in which he stated the absence of a material witness, of the name of Brown. Another affidavit had been put in by him (Mr. Martin) contradicting the statement in the affidavit of Mr. Burk, but the Court had thought fit to postpone the trial of Mr. Burk to a subsequent term. However, it was not his wish now to object to this first postponement. But at the following term, he, in his turn, had moved for the postponement of the trial to a future term, on account of the absence of a material witness, Mr. Colliss, an eminent barrister, who was then ill of a bilious fever. His application appeared to him a reasonable one. In his affidavit he had stated, that he heard Mr. Colliss was in such a state of indisposition that he could not with safety to his life attend on his trial. He also stated that Mr. Colliss had been served with a subpœna to appear and give evidence at this trial. Mr. Baron M'Lelland, the judge who presided on the trial, objected, however, to that affidavit, for a curious reason, because the person who made the affidavit had not sworn positively that he had seen Mr. Colliss, or could state from his own knowledge, that he could not positively attend. In order to remove this objection of Baron M'Lelland, he had produced the affidavit of a physician, who swore that Mr. Colliss could not, with safety to his life, give testimony at that trial. However, though the trial was postponed when all the witnesses for the crown were in attendance, the Court would not consent to postpone it in November, on account of the absence of a material witness for the prosecution. The application, too, was not made to postpone the trial to the next commission, but merely from day to day. He had merely wished to have it removed from the top of the list of causes to the bottom, in order to see whether the witness might not be able to attend during the commission. He could only say further, that every man in Ireland, capable of pronouncing an opinion on the subject, with whom he had ever spoken, agreed in stating that a more outrageous determination than the one in question never had been come to. The hon. gentleman concluded with moving, "That the clerk of the crown for the city of Dublin do lay before this House, a copy of the bill of indictment found against Edward Burk for perjury, together with the proceedings thereon."

Lord *Castlereagh* said, that the House knew how important a subject was a charge against any of the learned judges of the land, and that it ought not, in fairness, to be gone into, until every information on both sides were before them. He should, therefore, put it to the hon. member, whether it would not be better to postpone his motion until his right hon. friend (Mr. C. Grant), the representative of the Irish government, was present. He would be in his place in a few days, and it was natural to believe that he possessed more information upon the subject than any of his majesty's ministers in the House. He was satisfied that the hon. member did not intend to produce any unfavourable impression against the learned judge, until the whole of the subject could be gone into; and he trusted, therefore, he would consent to the delay. For his own part, ignorant as he was of the transaction alluded to, he felt it a duty to state, from a personal knowledge of the learned judge, that there was no one of the learned judges of either kingdom, to whom the strictly honourable character which happily belonged to them all might be more peculiarly applied than to him. The noble lord concluded by expressing a hope, that the hon. member would, for the present, consent to withdraw his motion.

Mr. *Wynn* thought it would be entertaining the charge against the learned judge, to consent to the motion at present. He therefore suggested that it should be withdrawn, and when brought forward, that it should be simply for the documents alluded to, without going into the merits of the case, until it should be seen from those documents, whether it was one which the House ought to go into.

The motion was then withdrawn for a fortnight.

HOUSE OF COMMONS.

Tuesday, February 16.

Corn Laws.] Sir *C. Monck* said, he held in his hand a Petition, which, whatever might be the general opinion of the country on the subject, he was able to say was signed by several hundred of as substantial and respectable individuals, as were to be found of the same description and profession in any part of the united kingdom. They were occupiers and owners of land in the county of Northumberland. He knew the signatures of most of them, and could bear testimony to their being most respectable and substantial farmers. The petitioners alleged that the sale and productions of this country were sufficient to support its present population, and would be sufficient to support a greater population; and they therefore submitted to the consideration of the House, the impolicy of permitting the importation, free from duty, of the productions of foreign countries of a nature similar to that of our own; because such permission tended to disable the agriculturists of the country from paying the taxes and expenses imposed on, and belonging to, the employment they followed. The petitioners prayed the House to take the subject into consideration, and refer it to a committee, before which they might adduce what evidence they could in support of their allegations, and if those allegations should be proved to be true, they prayed that the House would take such steps as might afford to the cultivators of the soil protection similar to that which the merchants and manufacturers of the kingdom enjoyed in the practice of their occupations from the existing laws.

Ordered to lie on the table, and to be printed.

Windsor Establishment.] Lord *Castlereagh* said, that the order for going into a committee of the House on the Prince Regent's Message, and that part of the Speech of the Lords Commissioners, which related to the Royal Establishment at Windsor, had been fixed for Thursday, the 18th. He understood the report of the committee up stairs would be ready to be laid before the House on Wednesday; but as the interval between that and the following day was not sufficient to permit members to examine it, he thought it expedient that the former order should be discharged, and a new one made for Monday.

Mr. *Tierney* said, that he should then on Monday take the sense of the House on the grant, which he understood was to be recommended, of 10,000*l.* a year to the Duke of York, as *custos personæ*.

Bank of Ireland.] Mr. *Grenfell* observed, that the accounts for which, in pursuance of his notice, he was about to move, were of three descriptions. The first related to the issues of paper by the Bank of Ireland; the second to deposits of the public money in the Bank of Ireland; the third, to the remuneration on the part of the public to the Bank of Ireland for the management of the public debt and other services. With respect to the first subject, the issues of paper, he believed it would appear that those issues had increased since 1797, in a much greater proportion than the issues of the Bank of England; for that, being in 1797, only 600,000*l.* they were now four millions and a half. With respect to the second subject, the deposits of public money in the Bank of Ireland, those deposits were of the same nature as the government deposits in the Bank of England. They had, however, very considerably decreased during the last three or four years. That decrease was in the proportion of 15 to 3; the Treasury the Chancery, and the Exchequer being the only departments of the Irish government deposits from which were placed in the Bank of Ireland. On the 1st of January last, the aggregate amount of those deposits did not exceed 700,000*l.* It was his wish that all those who transacted the public business should be rewarded liberally. He had combated the emoluments derived from public balances by the Bank of England, not because they were liberal, but because they were profuse rewards of the services rendered to the public by the Bank of England; and he had no hesitation to say, that the Bank of Ireland was fairly entitled to the advantages derived from the deposit of the sum he had mentioned. With respect to the third subject, the remuneration which the Bank of Ireland received for the management of the public debt, he should say little for this good reason, that the Bank of Ireland received no such remuneration. The Bank of Ireland charged nothing for that or any other service to the Irish government. Without wishing to make any invidious comparison between the conduct, on this point, of the Bank of Eng-

land and the Bank of Ireland, he might be permitted to commend the liberality of the Bank of Ireland, and to express his hope that the result of the investigation, for the institution of which he had given notice of a motion, would be to set up the example of the Bank of Ireland as that which the Bank of England ought to follow. The hon. gentleman then moved for the said accounts.

Mr. *Manning*, notwithstanding the side-wind attack which the hon. gentleman had just made on the Bank of England, hoped the House would abstain from forming any opinion on the subject, until the hon. gentleman should make the motion which he had given notice of his intention to make after Easter, when he trusted he should be able to satisfy the House that the charges made by the Bank of England for the management of the public debt, and for other services to the public, were perfectly reasonable, and such as ought to be allowed.

The motions were then agreed to.

Security of the Lives of Seamen, &c.] Sir *J. Newport* moved for leave to bring in a bill for better securing of the lives of seamen and passengers wrecked or stranded, or in danger thereof. He observed, that although there were various laws for the recompence of those who saved the cargoes of vessels, there were none for the recompence of those who saved the lives of the seamen and passengers. The consequence was, that the preservation of the latter was frequently postponed to the preservation of the former. His object, in the bill which he now proposed, was, in those cases in which the cargo was saved, to make the recompense for saving the lives of the seamen and passengers, a lien on the cargo, in the light of a salvage, which the parties should have a right to claim; and in those cases in which the cargo was not saved, to provide a moderate recompence for the same purpose out of the public purse. He also wished to incorporate a provision in the bill for the general establishment on the coast of life boats. To the principle of the measure he apprehended there could be no objection. Whether or not he could satisfy the House with respect to the details, would remain to be ascertained. He trusted, however, that as the subject was one so interesting to humanity, the House would allow him to bring in the bill.

The *Chancellor of the Exchequer* could not imagine that any objection could be raised against a principle equally consonant with humanity and justice. In arranging the details of the measure, there might perhaps arise difficulties, which he should meet with every disposition to remove or surmount.

Mr. *Davies Gilbert* said, that the object of the bill was one highly to be approved of. He had himself brought forward a measure somewhat similar, in the last parliament, and he was glad to see the subject in hands much more able, and much more likely to bring it to a successful issue.

Sir *John Newport* said, that all he contended for was, the principle of the bill: objections might be made to the detail, but he hoped his bill would not be involved in one of a more complicated nature, which had been formerly introduced into the House.

Leave was given to bring in the bill.

Galway Election Petition.] The adjourned debate on the motion made yesterday, "That the time for the right hon. Dennis Bowes Daly and Gyles Eyre, esq. to enter into their recognizances be enlarged till the 12th of March," being resumed,

Sir *J. Mackintosh* observed, that by the indulgence of the House he was now enabled to make a short statement of the grounds on which the petitioners prayed for the enlargement in question; in doing which the House would perceive that their equity and liberality were strongly appealed to by the circumstances of the case. The time prescribed for entering into recognizances was 14 days. He conceived, that the effect of the determination of the House to adhere rigorously to the rule in the case of petitions from remote parts of Ireland, would be to shut the door of the House against such petitions. By the provisions of the act, recognizances could not be entered into without giving eight days notice, which eight days were included in the 14 days; and it would be impossible in the remaining time to comply with the rule, in the case of petitions from the extreme parts of Ireland, such as the county of Galway. The question for the House, therefore, was, whether they would pass the utmost verge of possibility, and fix a time for the entering into recognizances in petitions from the extreme parts of Ireland, in which communication

*

by letter could not take place. He had looked into the Journals of the House, and found two cases bearing an analogy to the present; namely, the cases of Saltash and Dungarvon, in which an extension of time was granted by the House. In the case of Saltash, the time had just elapsed, as in the present case, and an application was made for an extension, on the ground that letters had been mislaid which were sent by post. It was to be recollected, that Saltash was not a fourth part of the distance of Galway; and certainly greater negligence had been shown than in this case. In the other case, that of Dungarvon, the ground of application was, that the petitioner was residing at the time at some distance from the place where he usually resided; and this was deemed by the House a sufficient reason for enlarging the period. Now, he conceived that a petition from a remote part of Ireland was entitled to a treatment at least as favourable as that which the petitioner in this last case experienced. He was satisfied that if the prayer of the petition was acceded to, the petition would not be found frivolous or vexatious. The petitioners were resolutely determined to prosecute their petition, if the House would only keep the doors of justice open to them a little longer.

Mr. *Bathurst* said, that in the view which he himself took of the case, he thought that the House were not called on to consider the alleged hardship. The time fixed by law had been allowed, but the law had not been complied with, nor had any thing particular been stated with regard to this case which prevented compliance. The hon. and learned gentleman did not complain of the want of liberality on the part of the House, but he complained of the hardship of the law in general. The hon. and learned gentleman, however, would see, that where the law was distinctly laid down, the House was not in the habit of deviating from it. In each of the two cases which had been cited, there was some reason assigned—some ground for claiming an extension of time; but here there was none. It did not appear that the hon. and learned gentleman, by the examination of the agent for the petitioners, had come to the House to-night better informed as to the circumstances of the case, than he had been last night: his researches on the subject seemed to have been confined to inquiries into the usage of parliament in similar cases. The right hon. gentleman then examined the precedents which had been quoted, and contended that, neither of them was in point. Whether the House would feel themselves called on by a principle of liberality to grant the prayer of the petition, he could not know; but if they were to construe the act according to its obvious meaning, they could not extend the time. He certainly was of opinion, that there was no liberality in contradicting the act.

Mr. *Wynn* said, that in all such cases, he conceived that applications of this kind should be discouraged, unless when they arose out of circumstances of imperious necessity. It was much to be desired, that on all occasions they should adhere as strictly as possible to precedents. Where circumstances, over which a petitioner had no control, prevented a compliance with the law, the House would grant an indulgence, but not in other cases; indeed, the instances in which it had been granted were not many. In two cases it had been extended on the petitioners applying before the time had expired, because that circumstance showed that they had been desirous to comply with the law. With regard to the two cases cited by his hon. and learned friend, he thought, that had the circumstances of those cases been considered properly, it would not have appeared right to grant the indulgence. The hon. gentleman then cited many instances of time being extended to petitioners, but in all of them it appeared that the petitioners had done all in their power to comply with the act. He concluded by saying, that he was of opinion, that if indulgence were granted in such cases as the present, a door would be opened to negligence on the part of petitioners.

The motion was then negatived.

HOUSE OF COMMONS.

Wednesday, February 17.

AGRICULTURAL PETITION—CORN LAWS.] Mr. Stuart Wortley presented a Petition from the occupiers of lands in the West Riding of York, for imposing protecting duties on the importation of provisions. On the motion, that it do lie on the table,

Sir *Robert Wilson* said:—Sir; I really was in hopes, from what passed in this House on the very first day of the session,

when several corn-petitions were presented, that the gentlemen styling themselves agriculturists would have stifled, with their own hands, those petitions which were known to be then in circulation. I am, however, disappointed; and those petitions are creeping into this House day after day, until, in a short time, we shall be surprised by the swarm thus almost imperceptibly introduced. It appears to me the agriculturists do not know, or will not consider, the temper and condition of the labouring classes, or they would never hazard the further exasperation of feelings which have never been completely tranquillized since the last corn-bill was passed; they never would thus madly throw a firebrand into combustible elements, which, if once enkindled, cannot be extinguished without leaving fearful traces of desolation. What claims have the agriculturists to this special favour from this House at the expense of the labouring-classes? Can they plead, that when they do obtain a high price for their corn, they ameliorate the condition of the agricultural labourer? On the contrary, do they not still confine them to eke out scanty wages with scanty subsistence and parish relief? Do they not do this, relying on the power which they have over the greater part as tenants at will, subjected to ejection from their habitation at a moment's notice? The labouring classes are now suffering the greatest distress from the high price of provisions. They will not submit to starve silently under a system of new prohibitory duties, operating as an additional tax upon bread-corn. If the agriculturists persist, the table of this House will be loaded, not merely with counter-petitions, but petitions against the existing corn laws. With difficulty the people are now restrained: on the least encouragement, their petitions would pour in from every part of the kingdom. It is to be hoped, those gentlemen of landed property who are too wise and liberal to concur in the projects of the petitioning agriculturists, will use their influence to persuade them to desist, and think of plans to diminish, not to aggravate, the burthens of the people. If they will not take warning, they will endanger the public tranquillity, and put all property in jeopardy. They withdrew from the last contest with great advantage: let them not recommence it, lest they should be involved in a rash and perilous pursuit that may end in their ruin.

Mr. *Stuart Wortley* declared, that he did not agree with the opinion of the petitioners. But with regard to the remarks of the gallant officer, he begged to observe, that it was impossible for any gentleman to stifle those petitions, as the gallant officer desired. The petitioners, it should be understood, only asked for the appointment of a committee, in order that they might have an opportunity of proving the truth of their allegations, and he could see no objection to the presentation of such a petition. It was, indeed, his duty to present it; and whatever might be his own opinion, he submitted that he was the representative of agriculturists as well as of manufacturers; and that it was incumbent upon him to attend to the interests and wishes of both. He had advised the petitioners not to urge this petition, but still, as they required him to present it, he could not consistently decline to do so.

Sir *R. Wilson* disclaimed any intention to deprecate the presentation of a petition from any body of men, adding, that he meant only to impress upon the House, that the agitation of the question referred to by the petitioners was but too likely to produce a great deal of mischief, and that to prevent such agitation, it was desirable that gentlemen should use all fair influence to prevent petitions of this nature from being presented.

Mr. Alderman *Wood* concurred with the gallant officer in deprecating such petitions as that under consideration, observing, that in order to settle the matter, it would be much better in the hon. member to move at once for the appointment of a committee to consider the corn laws. The country had been thrown into a state of suspense and uneasiness, by the rumours afloat, and the petitions circulating upon the subject of the corn laws. It was apprehended, indeed, that some legislative measure was in contemplation upon this subject, and hence considerable alarm was excited. To decide, then, upon the question at once, it was rather to be wished that the hon. member would move for the appointment of a committee, which motion would, he had no doubt, be rejected.

Mr. *Wynn* said, he could not agree with the last speaker, that a motion should be made for any committee upon this subject, or that any farther legislative measure should be proposed with regard to corn. It was, no doubt, the duty of

the hon. member to present a petition from his constituents, but he could not help expressing his regret that this petition was urged; for the very entering into any discussion of the object referred to was, in his opinion, pregnant with danger, as such a discussion was calculated to excite alarm among a variety of conflicting interests. Every man who heard him must remember the general ferment that prevailed but a few years ago, when the last corn bill was under discussion, and could not fail to be impressed with the evils likely to arise out of such discussion. To the bill alluded to he was a decided opponent. He resisted it, indeed, in every stage of its progress; because he was convinced, that no benefit would arise to agriculture, or to any branch of the public interest, equal in any degree to the disadvantages which were likely to be the result. Such was his deliberate opinion, and that opinion was justified by experience; for it appeared that while the agriculturists were universally dissatisfied with this law, its existence was the source of general complaint among the other classes of the community. On these grounds he should enter his protest at once against the proposition of any legislative measure on this subject, under the specious pretence of benefiting agriculture.

Mr. *Stuart Wortley* assured the House, that he had no intention of bringing forward any motion for a committee.

Sir *James Graham* said, that the part of the country with which he was connected, was well contented with the law as it stood, and the distinct declaration on the part of ministers, he was sure, had had a powerful and beneficial effect in all the farming districts. He hoped that no encouragement would be given to the presenting of petitions of this kind in future.

Sir *R. Wilson* again disclaimed any intention to interfere with the subjects' right to petition, but repeated his opinion, that gentlemen who consulted the public peace should endeavour to dissuade those upon whom they had influence out of doors, from urging petitions of this nature. Neither had he any intention of depreciating the character of the agricultural body; but he felt it his peculiar duty to attend to the fair claims of the manufacturing interests and of the labouring classes. He had no doubt that it would be much more for the interest of the agricultural body, to content themselves with the advantages which they had derived from the corn laws, than by provoking any farther discussion of the subject to risk the loss of those advantages, and to put the tranquillity of the public in jeopardy.

Ordered to lie on the table.

CHIMNEY SWEEPERS' REGULATION BILL.] Mr. *Ommaney* presented a Petition from certain master chimney sweepers against the Chimney Sweepers' Regulation bill, which the petitioners stated to be a measure of injustice, and likely to do great injury to the public. The hon. member stated, that since his observations upon this subject on a former evening, he had become better acquainted with the merits of the case. He was assured that the machines proposed were quite insufficient for the purpose of cleaning the generality of chimneys, while if those machines were universally adopted, the poor boys now employed, and who were originally taken from poor houses, must be deprived of subsistence. While the pressure of poor-rates was so much complained of, this part of the subject was worthy of consideration, not only with a view to those youths who might, through the adoption of the bill, be thrown out of employment, but with a view to those who would not hereafter be taken from the poor houses to be so employed.

Sir *J. Yorke* expressed a hope that what the last speaker had said would be duly considered by the House, for what was to become of those boys who were at present fed and supported by cleaning chimneys, if this employment were done away? But the fact was, that this employment could not be done away until chimneys were differently constructed, and the first part of the plan of the hon. mover of this bill ought to be to propose an alteration in the structure of some hundred thousands of chimneys. But as to the poor-rates, they must be increased by the adoption of this bill. It was notorious that the use of machinery had already thrown a number of people out of employment, and it was obvious that the adoption of the machine proposed by the author of this bill would have a similar effect. But if a measure of this nature were adopted, a private man would hardly know what to do. With an act of parliament on one side, and an attorney on the other, he would be perpetually embarrassed. He agreed with the hon. mover

of this bill, in his solicitude for the youth of tender years, who were occasionally employed in this business; but would the hon. member propose a law to prevent boys from being sent to the mast head of a man of war? and it was quite as difficult to reach that elevation as to mount a chimney.

Mr. *Bennet* said, that in the next building act he should certainly feel it his duty to propose a clause with regard to the structure of chimneys, so as to admit the employment of the machine; but of all the chimneys in London, those which most required alteration were the warm flues constructed for the use of the higher orders. It was to be lamented, indeed, that those structures should be persisted in, as they contributed to consequences so injurious to the health and morals of youth. With regard to the hon. officer's allusion to the case of boys employed on board ship, until he heard that pins were stuck into their feet, and straw lighted under them, in order to compel them to climb a mast, he could not conceive any analogy between their case and that of the poor youths employed in sweeping chimneys.

Sir *J. Yorke* said, he imagined the cases cited were excessively exaggerated; but as to the pins and lighted straw, he could assure the hon. member he had often seen boys forced to ascend to the mast-head by a captain who followed him with a cat-o'-nine-tails in his hand—a tolerably convincing argument.

The petition was ordered to lie on the table. Mr. Bennet then moved the order of the day for going into a committee on the Chimney Sweepers' Regulation bill.

Mr. *Grenfell* said, he could not avoid expressing his admiration of the humanity of his hon. friend, in exerting himself so assiduously to alleviate the sufferings of his fellow creatures. He stated that he had made some inquiries on the subject of this bill, at a fire-office in the city, and the secretary had informed him, that the average number of fires in chimneys swept in the usual manner was 60 or 70 per month: in those cases in which machines had been used in sweeping chimneys, the average number did not exceed two per month. Here, then, was a proportion of 2 to 65 in favour of machines. The next question he had put was—what was the proportion between the number of chimneys swept in the ordinary way, and those swept by machinery? The secretary could not say exactly, but he knew that thousands of chimneys in the metropolis were swept by machines. Thus, then, it appeared, that there was no danger—he was almost tempted to say there was additional safety—in using machines. This fact was sufficient to refute the objections which some persons made to the bill; and it proved that the views of his hon. friend were not visionary. The bill might perhaps be objected to by the parishes, because, under its operation, they would not have an opportunity of sending boys out as they had formerly done; but that argument, although it might be a good one for the parishes, would have no great weight in that House.

Mr. *Ommaney* said, he was hostile to the principle of abolishing the use of climbing boys, as it would deprive parish officers of the opportunity of apprenticing boys out. He was also of opinion that machines could not, in many cases, be made use of.

Colonel *Wood* was sure the hon. gentleman could not have read the report of the committee on the subject, because it both recommended the adoption of machinery, and considered and condemned the practice eulogised by the last speaker. Whoever had children of his own, and read that report, could not but feel an anxiety to have the unfortunate, oppressed climbing boys relieved; and if there were any houses with chimneys that could not be swept by machinery, it would be much better to let them be burned down.

Mr. *Brougham* felt at all times averse to the principle of interference between master and servant, and child and father. But the present bill only went to regulate the labour of those who were unable to make the necessary arrangements for themselves. Interference in such a case became a duty, if not as matter of right, certainly as matter of expediency; and he would only interfere where little less than crime was attempted to be practised, as between father and child, and master and servant. If the parties to be protected had been of an age sufficient to protect themselves, he thought the principle of interference would not only be wrong, but criminal, be the nature of their employment ever so unwholesome or severe. But, in the present case, as the boys were not *sui juris*, master of their own acts, he hoped the House would interfere and fix some regulation by which relief would be afforded them. The pre-

sent would not be found to be an entirely new measure; nor could his hon. and indefatigable friend be singly charged with being a mere visionary and speculator. The preamble to the 28th of the king spoke a very plain and intelligible language on the subject then before the House—an act passed while, he believed, some of the present law officers, though not holding such dignified situations as they now did, had still very respectable employments under the Crown; and an act passed under that practical statesman Mr. Pitt. The hon. and learned gentleman then read an extract from the act of the 28th of the king, and also from its preamble, justifying the course of proceedings adopted by his hon. friend, and concluded by expressing his hope, that a bill so humane and useful would be unanimously agreed to.

Mr. *Denman* said, he was sorry to be compelled to disturb the unanimity of the House on the present occasion; but it appeared to him, that interference might be carried too far, and that it was in point of fact, carried too far in this case. If chimneys could be swept by machinery cheaper and better than by boys, he could not conceive that the people of this country were so attached to cruel treatment merely because it was cruel, as to continue to sweep with children, when it would be better to sweep with machinery. If, as had been stated by an hon. gentleman, on the authority of the fire-offices, that machinery was safer and better, he should think it was quite enough to state this to the public in order to induce them to adopt machinery. When he found in this bill a series of clauses, empowering a single justice to convict on the evidence of a single witness, and the functions of a jury superseded, he could not help viewing it as extremely objectionable. He must see a strong case of necessity made out before he could vote for such a measure. He was sorry to differ from his hon. friend, and he did not mean to say, that the present was a visionary interference; but he thought the good sense of the public was sufficient to correct the evil without loading the statute book with another penal law, every penal law being in his opinion a great evil. At first he had thought that the measure of his hon. friend merely went to the employment of children of very tender age; but he now found that the measure was of a much more comprehensive nature. It might be proper that children of tender age, either with their parents or as parish paupers, ought not to be bound out to this employment; but he thought that parents might in general be trusted with the guardianship of their own children; and he submitted, whether it would not be better that they should be employed in sweeping chimneys than in idleness, in the workhouse, or in the fraud and pilfering which was now so common among boys of tender age. With respect to the convictions for breach of covenant before a magistrate, he could not see why this, like any other covenant, should not go before a jury. He did not wish to give such enormous powers to magistrates. He thought that those who were in the habit of employing machinery were extremely remiss in not posting it about the streets, that people might know were to apply for them; for he could not help thinking, if it were properly known to the public, they would be willing to take the more humane course.

Mr. *Grenfell*, in explanation said, that he had not stated, on the authority of the fire-offices, that sweeping with machinery was safer than with boys. He had merely stated, that out of 65 fires, two of them only were cases in which the chimneys had been swept with machinery.

Mr. *Wilberforce* said, that with regard to the argument urged by the hon. and learned gentleman, he would remind him, that the argument of interest did not always furnish an incentive to action; for he was old enough to know, that in many cases men acted in direct opposition both to their own interest, and to the dictates of humanity. During the continuance of the slave-trade, surely both interest and humanity might have prompted the owner to take every measure in his power, for the safety and comfort of his slaves, in conveying them from Africa to the West Indies; but did these motives operate in the powerful manner in which the hon. and learned gentleman contended that they must always do? In such cases as those for which the present bill was intended to provide, every man might think that he had a right to judge for himself. It was well known, however, that in general, improvements and discoveries were long in being adopted, as was sufficiently apparent from the slow progress of machinery in manufactures; but no proof of this fact could be stronger, or more in point on the present occasion, than the history of vaccination. In this

country, where the discovery was made, the greatest opposition was raised against it; and even at present, when all prejudice had nearly subsided, such was the negligence of parents, that hundreds were dying annually of the small-pox. In some places on the continent, the ravages of this dreadful distemper were as great at present, as they had been before vaccination was known; so great was the power of prejudice, in rendering people blind to their own interests! The hon. and learned gentleman had said, that machines would of themselves supersede the practice of employing climbing boys. In a long course of years machines might get the better, but, what numbers of poor wretched boys would suffer in the meantime! Besides, the anti-machinists would, from the shame of admitting that they had been in error, continue to employ climbing boys. If the use of machines were established into a system, it would drive the use of climbing boys quite away, and its efficacy would be proved beyond all doubt. But ought they, during this competition, to suffer boys of a tender age to be placed in one of the most degrading situations in which a human being could be employed? He felt obliged to the hon. author of this bill, who had acted on this as on all occasions, from that principle of humanity which was well known to distinguish him. He most heartily wished that his efforts would be crowned with the deserved success.

Mr. *Barham* said, that twenty years ago sweeping boys had never been heard of in the vicinity of the place where he resided, and when he took steps to introduce the use of them, so great was the force of custom, that actual resistance was offered to it, and at the present time not one out of ten chimneys was swept in that part of the country.

The House then went into the committee, and proceeded to fill up the blanks in the bill. On the clause being read, to restrain masters from taking apprentices under 14 years of age,

Mr. *Ommaney* wished that the word "eight" should be substituted, remarking that the picture which had been drawn of the unhappy state of these creatures was far from correct. He had had much experience as an overseer in town and country, and had never seen the symptoms of misery in their countenance; on the contrary, they were generally possessed of good animal spirits, and were gay, cheerful, and contented. He had never known any boy who had been apprenticed to a sweep become chargeable to the parish; but many of them had been very efficient men in the navy.

Mr. *Bennet* was resolved not to yield the point. He was astonished to hear any person, without having read a line of the report, venture to hazard an opinion; and still more so, that when those beings exhibited every symptom of premature old age, distorted limbs, humped backs, and sickly constitutions, the hon. gentleman should represent them as flourishing in health and strength, and forming a nursery for the navy.

Sir *Isaac Coffin* said, that he had not, in the course of forty years experience, known a single instance of a sweep joining the navy.

Mr. Alderman *Wood* was at a loss to know, when the hon. gentleman could have seen so much animation in the countenances of these boys; but perhaps it was after one of them had been tortured in a chimney for several hours, and when his features had been rendered cheerful on finding himself relieved from pain.

Mr. *Bennet* stated an instance, in which a boy was disposed of by his parent. A poor woman went out for a short time, leaving her husband and son at home; on her return she found that her husband had actually sold the boy to a master chimney-sweep.

Mr. *Denman* objected to the clause. It was possible, he said, that the chimneys of palaces and public buildings might be swept with machines; but who had entered into the smaller dwellings and ascertained whether it was possible to introduce them in these houses? It had been admitted that, on some occasions, boys might be absolutely necessary; he thought, therefore, that the House should pause before they rendered it impossible to obtain assistance in case of emergency.

Mr. *Bennet* said, it was in vain to talk, if masters were allowed to send boys up chimneys, for if those of eight years were allowed, they would have them younger; if of ten years, they would have them of eight; and if of twelve, they would have them of ten. Every misery was tolerated under the old act, and if this clause was objected to, the misery, instead of being removed would be aggravated.

The clause was agreed to, and the bill passed the committee.

MOTION FOR A SELECT COMMITTEE ON THE HIGHWAYS AND TURNPIKES.] Mr. *Protheroe*, pursuant to a notice which he had given, wished to bring under consideration the expediency of making some more effectual provision for the Repair of Highways and Turnpikes in England and Wales. The acts of parliament already subsisting were quite inadequate to the purposes for which they were passed, and a new system of regulation had become indispensably necessary. The causes of their failure in effecting the desired end were various. A very valuable report had been made by a committee appointed some time since to inquire into the subject, and in which these causes were examined in detail. His own attention had been drawn to it both by the numerous petitions from the trustees of turnpike-roads, setting forth their own insolvency, and by the facility with which the prayers of such petitions were generally acceded to. He had moved in the last parliament, under the impressions which that observation made on his mind, for an account of the debt, income, and expenditure of all turnpike-trusts in England and Wales, intending that return as a legacy to some hon. gentleman in the present parliament, of which he himself did not at that time expect to be a member. He was firmly persuaded that great public advantage might be derived from committing these trusts to persons of superior education and scientific acquirements. Many instances might be adduced, in which a knowledge of the best mode of constructing roads, and of the materials afforded within the soil itself, at some depth from the surface, had produced a very considerable saving of public money. The House would not fail to bear in mind, that the construction of these roads had originally cost 7,000,000*l.* sterling; that they extended over 25,000 miles, and were maintained at an annual expense of 1,200,000*l.* or 1,300,000*l.* He held in his hand an extract from the report to which he had already referred, in which it was represented, that the advantage to be derived from an improvement of the roads to all commercial intercourse, could not, when joined to the saving in horses, and in wear and tear, be estimated at less than 5,000,000*l.* a year. After some further remarks, the hon. gentleman concluded by moving, "That a Select Committee be appointed to take into consideration the acts now in force regarding the Turnpike roads and Highways in England and Wales, and the expediency of additional regulations for their better repair and preservation; and to report their observations thereupon, from time to time, to the House."

Mr. *Cripps* agreed with many of the observations made by the hon. gentleman, and hoped that the appointment of a committee would lead to some speedy and radical improvement in the condition of the public roads. The highway and turnpike acts differed very materially in many of their provisions; the consequence of which had been, that a race of informers had sprung up in many parts of the country, not only detrimental to its peace, but creative of much unpleasant feeling amongst inoffensive and unoffending individuals. Informers should be put down at any hazard, in order that the public peace should not be embroiled, nor the public morals contaminated. By one of those acts, the carrying of manure had been allowed toll free; but by another, if extra horses had been used for the purpose of more easily carrying the load, they became subjected to a very heavy toll. The committee would, he hoped, give to the question its most earnest attention, and with the anticipation of a favourable issue to their labours, he felt happy in seconding the motion.

Sir *M. W. Ridley* asked, whether the inquiry into the turnpike trusts was to be retrospective, or only prospective?

Mr. *Protheroe* replied, certainly not retrospective.

Colonel *Wood* thought it of great importance that the whole system of highways and turnpikes should be inquired into; for, in his opinion, that subject was intimately connected with the poor laws. In the course of last year, a sum of 1,500,000*l.* had been laid out on highways, while so many poor, for whom that sum would have provided, were left without employment, and in a state of destitution. He thought the statute-duty should be repealed, and that instead of farmers being obliged to send their servants to work on the public roads, which often occasioned very inconvenient interruptions to their own business, poor people who were willing to labour for their support, should be employed in this work. If young single men, instead of being locked up in work-houses, as had been stated on a former evening, were employed on the highways, it would be a great advantage to themselves, as well as to the public.

Sir *H. Parnell* rose, not for the purpose of offering any opposition to the motion, but merely to say, that having on one occasion acted on a committee of the same nature with that proposed, he had heard abundant evidence to satisfy him of the expediency and necessity of investigating the subject. Many witnesses had stated before that committee, that the duties had of late years been doubled, without any improvement being effected in the roads.

The motion was agreed to, and a committee appointed, consisting of the following members, viz.: Mr. Protheroe, Mr. D. Gilbert, Mr. C. Dundas, lord Granville Somerset, Mr. Frankland Lewis, Mr. Nicholson Calvert, Mr. Holme Sumner, lord Clive, Mr. Calcraft, Mr. Dickinson, Mr. Curwen, Mr. Wood, Sir C. Monck, Mr. W. Wynn, Sir J. Sebright, Mr. Newman, Mr. Estcourt, Sir H. Parnell, Mr. Walter Burrell, Mr. W. Smith, Mr. Tremayne, Mr. Shaw Lefevre, Mr. Stuart Wortley, Mr. Gladstone, and Mr. Cripps.

Report from the Committee on the Royal Establishments.] Mr. Vesey Fitzgerald presented the following

Report.

The Committee to whom the Establishment of her late Majesty, and the estimate of the expenses of the proposed establishment of his Majesty's future household at Windsor, were referred;—Have agreed to the following Report:

Your Committee have deemed it to be their duty, in the first place, to take into their consideration the arrangement which has been proposed for the future establishment of his Majesty.

By the Act of the 52 Geo. 3rd, c. 8, the sum of 100,000*l.* was directed to be set apart annually out of the Civil List, for the expense of the king's household; and any surplus, after defraying this charge, was to be applied to the purposes of his majesty's civil establishment.

It appears to your Committee, that the reduction, which is proposed in that expenditure, of one half, may with propriety be made; and that an annual sum of 50,000*l.* will be sufficient to provide for this service; and they refer to the estimates, under the different heads, annexed to this Report.

In considering the scale and expense of the establishment which it is necessary to form, while they approve of the discontinuance of the salaries of certain of the officers of state, who have hitherto, since his majesty's indisposition, been retained, yet your Committee recommend, that, at the head of the establishment, an officer of the rank of the groom of the stole should be placed, as they deem it important to have a person of rank and of high station, connected with the king's service, generally residing near his majesty's person. For the same reasons it appears expedient, that one of the king's equerries (the number of whom, in the judgment of the committee, ought to be limited to four) should be in daily and constant attendance at Windsor.

In the examination of the estimates for defraying the charge of the proposed tables, and for the other branches of expenditure at Windsor, your Committee have received satisfactory explanations respecting them from colonel Stephenson, to whom the superintendence of the king's household has been in a great degree confided.

It appears to them, that the estimates have been framed, for the services to which they are to be applied, with a due attention to economy; and they refer particularly to "the explanatory statement of the estimate for the expense of his majesty's household," which is annexed. A large portion of the expense which, as your Committee are informed, cannot be estimated at less than one-third of the whole amount, will be at all events to be incurred by the maintenance of Windsor Castle as a royal residence, and ought not to be set down as exclusively belonging to the establishment of his majesty. The names and descriptions of the officers, whose salaries have been discontinued, will be found in the Appendix, together with a list of the menial servants who have been reduced; and the amount of the wages and appointments which the latter received in the king's service.

Your Committee next proceeded to the subject of the establishment of her late majesty, which had been referred to their consideration.

His royal highness the Prince Regent having been pleased, by his gracious message, to place at the disposal of parliament, the sum of 58,000*l.* per annum, in consequence of her majesty's demise, and at the same time to recommend to the House of Commons, the claims

founded on the faithful services of those who formed the separate establishment of her majesty, in order that the House might be enabled to judge what part of that sum it may be advisable to apply to the annual provision for such persons, your Committee have obtained accounts of such allowances as were made to the officers and servants of queen Mary on her demise in the year 1694; of queen Caroline in 1737; and to the household of the princess dowager of Wales in 1772; amounting annually, for the establishment of queen Mary, to 15,278*l.* 16*s.* 8*d.*; to that of queen Caroline, to 19,812*l.*; and for the household of the princess dowager of Wales, to 19,702*l.* 7*s.* 10*d.*

The grants, in the instances referred to, were not brought under the consideration or view of parliament, but were paid out of the civil list revenues; an annual saving on these revenues having been made by the discontinuance of the respective royal establishments to a greater extent than those allowances amounted to. In the year 1782, by the act passed for the regulation of the civil list, the amount of pensions to be granted out of the civil list revenues was limited, and in consequence of that limitation, and the present charge on the pension list, it is not possible to place such allowances as it may be wished to grant to the queen's servants upon that fund; but the whole sum of 58,000*l.*, which was annually paid to the queen, being now at the disposal of parliament, it remains for parliament to make such provision, in this respect, as it may in its liberality think fit.

In offering for the consideration of the House the annexed scale of pensions recommended for the servants of her late majesty, while your Committee have had in view the expectations which those persons may reasonably have entertained, as to the provision which would be made for them when their services should cease, they yet feel it to be their duty to submit to the House, that this recommendation should not be drawn into precedent on the formation of future establishments.

It will be observed, that the state officers, as well as some others, to whom their salaries were continued for life, in the instances referred to, do not appear in the list which is proposed. The general principle which has been adopted in framing it, being to suggest a provision for the female part of the queen's household, and for the domestic officers and menials, of whom the greater proportion have been for many years, and during the course of a long reign, attached to her service. The amount of this provision, together with the pensions to be continued to such as were the objects of her majesty's benevolence, is less than was given upon the two last occasions which have been noticed, without taking into account the difference in the value of money at those periods, and at the present.

If parliament shall approve of what has been here submitted, legislative enactments will be required to carry these regulations into effect. It will be necessary to alter that part of the act of the 52d Geo. 3rd, cap. 8, which appoints the attendants on the king's person, and also to regulate the sum to be in future appropriated for defraying the expense of his majesty's household. That clause also of the act of the 56 Geo. 3rd, cap. 46, which enacts, that whenever the charge upon the civil list shall exceed in any one year 1,100,000*l.*, an account of the exceeding, and the cause thereof, shall be laid before parliament, must be amended, so as to require a similar account to be submitted, whenever that charge shall exceed the amount to which the expenditure of the civil list shall be limited by the reductions which are now proposed.

17*th February*, 1819.

Ordered to lie on the table, and to be printed.

HOUSE OF LORDS.

Thursday, February 18.

LUNATICS' ESTATES IN CHANCERY.] The Marquis of *Lansdowne* said, he held in his hand a Petition complaining of a great hardship, and one which in a particular manner, called for their lordships attention as it arose out of their lordships' legislation. The petition was from two individuals who had obtained a decree of the court of chancery for the sale of the estate of a lunatic, but which could not be effected, as the estate consisted of copyhold property. It appeared, that in the act passed some years ago, for regulating the power and jurisdiction of the court of chancery with respect to the sale of the estates of lunatics, that the word "copyhold" had, by some mistake, been omitted. The consequence of this neglect was, that no sales of such property could be made. The petitioners prayed, that their lord-

ships would not fail to remedy this deficiency in the act.

The *Lord Chancellor*, was of opinion that there was no intention to exclude copyhold property from the operation of the act; and as such a mistake had occurred, he was surprised that no bill had been introduced, either to declare that the act referred to should embrace copyhold property, or to repeal it, and substitute a new act on the subject. The bill was brought into parliament by the present lord chancellor of Ireland, and it was recommended in the master's report on the subject, that copyhold estates should be applied in the way provided for by the act. As it was certain that it had been originally intended to include copyhold estates in the act, it was proper that it should be amended; and his lordship, as we understood, intimated that he would himself introduce a bill for this purpose.

The petition was laid on the table.

HOUSE OF COMMONS.

Thursday, February 18.

Cork County Election Petition.] Sir *John Newport* rose to present a Petition from the agent acting in London on behalf of the freeholders of the county of Cork, whose petition had been presented on the 22d of January last, complaining of an undue return in the elections for that county. The present petition prayed that time for entering the recognizances on the former petition might be enlarged. The ground on which the prayer of the petition was supported was, that an opinion had prevailed, almost universally throughout Ireland, that the act 53rd Geo. 3rd, which prescribed the time within which recognizances should be entered on election petitions did not extend to Ireland. The petition stated that several opinions from high legal authorities confirmed this construction of the act.

The petition was then read. On the motion that it do lie on the table,

Mr. *Wynn* said, that according to the general rule laid down by the House, the prayer of this petition could not be attended to. To state that the petitioner, or the party concerned, had acted on a misconception of that rule was not a sufficient reason to induce the House to depart from the rule. In the present case the misconception was most extraordinary and yet it was one which seemed to have pervaded the whole of Ireland. The only ground on which he could conceive it to have been founded was, that the operation of the first clause of the act was expressly confined to England and Scotland. But then, the other parts of the act most explicitly comprehended Ireland. Yet throughout the latter country the opinion prevailed that the operation of the act did not extend to it. Nor was this mistake confined to a few, for even persons of a high reputation in the law had fallen into it. Amongst the rest, Mr. Gabbet, a lawyer, whose character stood deservedly very high, and who was the author of "A Digest of the Comparative State of the Laws of England and Ireland," had made the very same mistake. In so extraordinary a case he did think that it might be allowable for parliament to grant the prayer of this petition. At the same time he could not but remark that it was not in the power of the House to extend this indulgence generally. Perhaps a remedy for this particular class of cases might be provided by passing a short act, which should recite the prevalence of the mistake in Ireland, and enact, that therefore a further time should be allowed for entering the recognizances on petitions already presented from that country. This, he submitted to the House, was a measure that would obviate the difficulty. He did not think it would be just, in this instance, to adhere to precise rules, because that would have the effect of striking off all the petitions from Ireland, and of shutting the doors of parliament against complaints, some of which, at least, might be just and constitutional.

Mr. *Bathurst* thought the question deserved the serious consideration of the House. As to introducing any bill to settle the question, it was to be considered that its operation would be retrospective, and as such he could not think it desirable.

Mr. *Bankes*, said, it was absolutely necessary for the House to consider the most proper course to pursue. In his opinion, either the subject should be referred to a committee, or an early day should be appointed to proceed on it in the House. It was not right to keep the petitioners in suspense. He was greatly inclined to lean to the proposition of his hon. friend. In his opinion it would be much better to introduce a short bill than to shut out the entire of the Irish petitions.

Sir *John Newport* said, that he would

to morrow submit to the House a motion upon the subject of it.

The *Speaker* said, that after what had passed on this subject, it would perhaps be proper for him to apprise the House that two other applications had already been made to them on the same subject, but that no definitive order had been yet entered upon the Journals respecting them, nor had the applications yet been absolutely discharged. The order with respect to them stood on the order book. The observations which might be offered to the House, now or on a future occasion would therefore include the case of the Drogheda and Galway petitions, as well as that just now laid upon the table.

Mr. *Wynn* thought that, under the present circumstances, there were several considerations which demanded the attention of the House. The words of the act expressly provided, that the time for entering the recognizances could only be enlarged once. But on looking into the precedents on the subject, he found that on several occasions the House had thought itself competent to revive as well as to enlarge the time. The Shaftesbury case he thought a sufficient authority on this point.

The *Speaker* begged to remind the House, that in two out of the three cases in which the application had now been made for enlarging the time, that application had been refused by the House; therefore, if on the petition now presented an order was made for enlarging the time, there would appear on the Journals contradictory orders on precisely the same question.

Ordered to lie on the table

DUTIES PAID AT GIBRALTAR.] Mr. *Tierney* wished to ask of the chancellor of the exchequer a question of considerable importance. He did not know whether he was or was not rightly informed, but he had been told, that certain duties were levied on the merchants at Gibraltar, for the payment of particular charges; after defraying which, a large surplus remained which was transmitted to this country. Now he desired to know, by what authority those duties were levied, and to what account the surplus was placed when it arrived in England?

The *Chancellor of the Exchequer* said, the duties were imposed to answer a variety of charges, and, he apprehended, these being answered, the surplus belonged to the Crown, when remitted to this country.

Mr. *Tierney*—I ask under what authority are these duties collected? and by what authority are they considered the exclusive property of the Crown?

The *Chancellor of the Exchequer*—I have not looked particularly into the subject; but ever since the capture of Gibraltar, the revenue of that place, as well as of other fortresses, has been vested in the Crown.

Mr. *Tierney*—Then the right hon. gentleman does not know by what authority the merchants at Gibraltar are liable to the payment of certain duties. All he can say is, that the amount of those duties, not applicable to the payment of particular charges there, are appropriated to the use of the Crown.

MOTION RESPECTING THE SYSTEM OF TRANSPORTATION, AND THE STATE OF NEW SOUTH WALES.] Mr. *Bennet* rose, pursuant to notice, to move for the appointment of a committee to inquire into the management of the Hulks, and the general conduct of the Transport system upon the voyage to, and the general government of New South Wales. That this was a subject of great importance to the interests of humanity and morals, would, he concluded, be readily admitted by every one who had taken the trouble of making any inquiry respecting it; it was clearly of such a nature, that it could not be fairly said to be comprehended within the scope of the motion of which the noble lord had given notice with regard to the state of crime in prisons in the country, and it was with some surprise he had learned therefore that his motion was to be opposed on the ground of the subject of it being comprehended in that noble lord's notice. Through the industry of a committee of that House only could accurate information be obtained on subjects of this nature, and the best way of getting at that information was, by the evidence of eye-witnesses. This indeed was pretty clear from the nature of the answers laid before the House with regard to the state of the prisons of Scotland. Those answers were from magistrates, to whom certain questions had been transmitted from the Secretary of state's office. But how different were the answers of those magistrates from the report of an eye-witness, Mr. Gurney, who had personally visited and examined the

state of the Scotch prisons. It might be objected to his motion, that, in 1812, a committee sat to consider this subject. He admitted that two committees had sat for its discussion; but the object of the first related entirely to the propriety of erecting penitentiaries, an idea suggested by an hon. friend of his (Mr. Holford), who was an honour to the House, and a credit to his country. On the report of the committee over which his hon. friend presided, the Penitentiary at Millbank was established. With respect to the hulks, the committee on that subject recommended many alterations, some of which were attended to, but many were not carried into effect. The hulks were five in number—in three of them some alterations were made, but two were suffered to remain in their old situation. The committee recommended, that separate hulks should be provided for those who were to be sent to New South Wales, in order that they might not be mixed with convicts who were sentenced to a shorter period of imprisonment in those floating gaols. The committee also stated, that in 1812-13, four hundred persons were sent to Botany Bay. Now, in the year 1817, nine hundred and forty persons were transported thither, which materially altered the features of the case, with reference to 1812 and the present time. But it was said, that those persons were volunteers, that they preferred going out of the country. Could any case more strong be laid before parliament to induce them to inquire into the subject, than that such a body of persons preferred that punishment which was classed next to death, to what was supposed to be the milder infliction, imprisonment on board the hulks? He knew how unpalatable it was to have recourse to statements of figures in that House, yet, as it was impossible to explain his case clearly without them, he would shortly advert to one or two documents on the subject. By one of those documents it appeared that, from 1804 to 1811, the average number of persons confined in the hulks was 1,750; from 1811 to 1817, 2,186; from 1817 to 1819, 2,418; being an increase in the last period of nearly 1,000. With respect to transportation, the number of persons sent out of the country from 1812 to 1817 was 2,840, of whom there were transported for 14 years, 838; for 7 years, 2,002; from January 1816 to January 1817, there were transported 508; from January 1817 to January 1818, 940, of these last there were for 14 years 234; for 7 years 706. From this statement, the great increase of transportation, and the consequent necessity of examining the system, became evident. It was quite true that the condition of the hulks was much improved; they were no longer the depositories of disease which they had been; but great and substantive faults, which he would presently point out, still existed in the system; of which faults the most serious was the want of classification. The expense of maintaining convicts was also a very serious object. The average expense of each convict was about 23*l.* In 1797 the total expense was 33,578*l.*, or 23*l.* 19*s.* 7*d.* a head. In 1810, 59,290*l.*, or 29*l.* 12*s.* a head. In 1814, 66,328*l.*, or 32*l.* 9*s.* a head. In 1816, 69,107*l.*, or 31*l.* 15*s.* a head. In 1817, 84,608*l.*, or 39*l.* 7*s.* a head. In 1818, 91,958*l.* or 37*l.* 13*s.* a head. Thus, not only the total expense was progressively increasing, but the expense of each individual also; and what a contrast did this expenditure present to that in the bridewells, penitentiaries, and houses of correction at home, where prisoners were punished, and criminals somewhat reformed. This fact the hon. member illustrated, by referring to and detailing the expense of maintaining the prisoners in the Glasgow Bridewell, the Preston House of Correction, and other places. Thus economy, which was an important consideration, was comparatively discarded in this transport system. The arrangements made in the hulks by Mr. Capper, who was the instrument of lord Sidmouth, were productive of some good, although the attempts at classification were quite ineffective. This failure was peculiarly to be lamented; to let mere youths mix with the hardened poacher, the deserter, and the bigamist, must lead to the most deplorable consequences, for it was known that as boys of about 16 years had the strongest passions and the most flexible hearts, they were the more easily wrought upon by example and precept. How dangerous then to expose such youths to depraved connexions. Yet those convicts who had attained that particular period were confined with old and hardened characters, and thus shut out from the chance of reformation. He knew that those praiseworthy characters, the chaplains of the hulks, were very strict in attending to their duties—and he trusted that what they said, in their re-

ports, would turn out to be correct. But what was the statement of one of them, the Rev. Mr. Edwards, a pious and intelligent man? "He hoped," he said, "that scores of convicts, when discharged, would become honest members of society —but he feared there were hundreds set at liberty, who were not in a state of moral improvement." But there was not adequate arrangement made even for the classification of the sexes on board the hulks. He was however glad to learn that females were now much better situated than formerly on the voyage to Botany Bay. Those unhappy beings were, he understood, throughout the voyage, evidently impressed with the salutary lessons which they received in prison from Mrs. Fry and others, their treatment on board was materially different; and they heaped benedictions on the heads of those by whom their condition had been so much improved. Before the introduction of this improved system, he was assured that the ordinary practice was for the officers and seamen to select the women, with whom each thought proper to associate during the voyage. No such practice was however tolerated at present; and this was surely no small step to good. All those women could not be considered as common prostitutes, and, even if they were, the law sent them out of the country to improve their morals, and not to plunge them into deeper turpitude by an habitual indulgence in vice during their voyage to New South Wales. Here he thought it proper to state, that in consequence of the petition he had presented, and what he had himself mentioned on a former day with respect to the state of the convicts on board the ship Baring, a communication had been made to him, affecting to differ in some respects from what was on that occasion laid before the House, but which he could not distinctly understand. It was stated therein, that there were only four convicts confined in the birth, to which he understood that six prisoners were consigned. But granting that only four were so confined, still he maintained that there was great ground for complaint, because much of severe suffering must be endured by the unhappy wretches who were so situated. He could assure the noble lord and the House, that he had made the most diligent inquiry upon this subject, and the result of that inquiry was truly shocking, whether regarded with reference to the moral principle or individual suffering of each individual. But this must be obvious to any man who considered the state of between 2 and 300 human beings stowed in the hold of an ordinary-sized transport, for so many hours every day, and during so long a voyage. He should be told, no doubt, that the army were often placed in the same situation; but this was erroneous, as a great proportion of the soldiers were usually on deck. Having, however, conversed with several officers who had been with their men on board transports, he could say upon such authority, that the soldiers themselves suffered most severely, their sufferings being indeed such, that in hot climates an officer felt it impossible to go below, from the noxious smell that prevailed in consequence of the manner in which the men were stowed. The reference, then, made to the soldiers on board transports, was no answer whatever to his complaint with regard to the treatment of convicts, but furnished a strong argument for improving the condition of both. In the army and navy too, amidst all their sufferings, discipline was preserved —but what discipline was to be found amongst the convicts? To prevent mutiny, guards were placed on the deck and gang-way, but this was all the control to which they were liable. Was it not a fact, that the whole voyage was passed in gambling, in singing indecent songs, in every species of vice?—Could it be otherwise, when they had nothing to employ their minds, except the selection of means to get rid of all reflection? Did they not endure great bodily torture? If the laws never intended, which they never did, that convicts should writhe under bodily torment, and sink under mental degradation, was there not good reason for abrogating the whole system? The noble lord might say, that great good had already resulted to the colony of New South Wales, by adopting the recommendation of the committee which sat in 1812. But the state of that colony still required investigation. In consequence of numerous complaints with which the office of the noble earl at the head of the colonial department had been assailed, he understood a person had been sent out to inquire into the various topics connected with the colony. That person he had long known, and a more humane or intelligent individual could not have been selected for the purpose. But it did not follow, because his majesty's government had done their

duty, that the House of Commons were to abstain from performing theirs. There was one point which the House was imperatively called on to investigate. He meant the expense which the colony entailed on the mother country. From the year 1788 to 1819, it had cost no less than 4,000,000*l.*, and the expense was still increasing to a very great degree. In the 28th Report of the committee of finance, in which all the sources of expense were enumerated, the committee asked this question—"What is the expense which the colony incurs, and what expense ought it to incur?" The following was the sum which it appeared that it had cost for a series of years:—From 1788 to 1797, the average per year was 86,455*l.*; from 1798 to 1811, 106,700*l.*; from 1812 to 1815, 178,456*l.*; from 1816 to 1817, 193,775*l.*; for the year 1817, 220,000*l.* He knew not, and he believed his majesty's government did not know, what the expense of 1818 was. In this statement he was aware that the expense of the colony, and that of the transportation of felons were mixed together; and that the accounts also included incidental expenses; but the general increase was incontrovertible; and he would maintain, that no example could be produced of a greater sacrifice of human happiness, or a greater misapplication of pecuniary means. The defects in the system of governing the colony were numerous. He would not travel over the whole of the conduct of the governor of this colony; but there were some points which he could not forbear to notice. The governor of this colony assumed to settle the price of all labour, and also of all provisions; and the orders upon this subject were issued by the governor himself, without referring to the opinion of any council; an extraordinary stretch of power, and one which must be attended with many hardships, both to the labourer and his employer. Again, the governor had the power of opening and shutting the public stores, and the ports of the island at his own pleasure. The consequence was frequently this: poor cultivators came from different parts of the island with the produce of their farms. They found the stores shut—and anxious to procure some money for their commodities, they sold them at reduced prices. The very next day the stores were opened, and their grain was safely housed there! Let the House consider the wretched situation in which the colonial settlers, who were little above the rank of paupers, were placed by such an occurrence. They sent down their grain, believing the government stores were open, and that they would receive 10*s.* per bushel for it. They found them, by the governor's command, shut—they were then compelled to take six or seven shillings per bushel—and they found that the very persons who had made purchases, lodged them, perhaps the very next day, in the government stores. This was a thing of constant occurrence. It was most injurious to the colony, and he was ready to prove the fact at the bar of the House. In the year 1813, the governor imported a great quantity of grain. What followed? The crop of that year was remarkably abundant, but the stores were filled with the imported corn, and the farmer could not get more than 5*s.* per bushel. The consequence was, that he wasted his grain, that he fed his hogs with it. What was the result? A scarcity followed, and, at the end of the year, the governor wanted to purchase the remainder of the grain he had originally refused, and for which he was then obliged to pay 15*s.* per bushel. With regard to meat, it had been customary for the government to give 9*d.* per pound for it. But governor Macquarrie issued an order, without an hour's notice, that instead of 9*d.* only 6*d.* should be paid in future. Thus, by his command, the property of every man in the colony, who had cattle, was depreciated 25 percent. No stop could be put to such unwarrantable conduct, for a considerable period. When any one ventured to complain or remonstrate with regard to the abuses of the government, the party was referred to the government at home, which was a species of delusion, especially from a people forming the antipodes of England, as no answer to any complaint could be received in a much less period than twelve months. To call New South Wales a commercial colony was a mere mockery. It was, in point of fact, an agricultural colony. It might, indeed, produce fleeces finer than those of Spain, and as fine as the Saxon wool; they might fetch the very highest prices in the European market, but still the colony was completely agricultural.

The next point to which he would direct the attention of the house, was the man-

ner in which justice was administered in the country. The committee, in 1812, had recommended the introduction of trial by jury into this colony. Attached as he was to that noble institution, he would not say, at present, that juries ought to be introduced into New South Wales; but he thought it most inexpedient that the question should be determined in consequence of any sort of communication made at the office of the secretary of state. He wished to hear the opinions of those who advocated, and of those who objected, to such a measure, stated openly, and to let parliament judge with respect to the wisdom of adopting the recommendation he now alluded to. Another subject intimately connected with the administration of justice was the appointment of magistrates. It was known that two attornies, of the name of Laud and Johnson, who had been transported to New South Wales, had been appointed magistrates by the governor. In a publication which he (Mr. Bennet) had given to the world some time ago, he had mentioned that the person whom the governor had appointed to the office of surgeon-general had been sent as a convict from this country. He learned, however, that he had been misinformed on this subject, and that the gentleman whom he had mentioned was not a convict; and, as the only reparation which he could make to him, he had stopped the circulation of the pamphlet, because he thought it might be calculated to do him injury. No person living was so little inclined as he was to injure the character of any man; and he accordingly took this public manner of correcting the error which he had committed unintentionally, and of declaring that he understood the gentleman in question during the whole of his residence in the colony had conducted himself with the utmost propriety. But, to resume, he thought the fountain of justice ought to be pure, and that no convict should be appointed to a judicial office. He would say, that such appointments were improper, and that it was the duty of the noble lord at the head of the colonial department to reprimand the governor for so gross an outrage on propriety and justice. This Laud, to whom he had alluded, he understood to be an auctioneer; and, according to the custom of that country, as soon as he came down from the seat of justice, he got into a cart and sold blankets. This he conceived to be one of the most indecent acts that could possibly be exhibited. He now begged the attention of the house to a subject which must interest the best feelings of their hearts—he meant the state of crime in that colony. Convicts were sent from this country to New South Wales, in the hope that during the period of their banishment, their vicious habits might be reformed; but the number of capital convictions which took place in that country, proved how unlikely it was that this hope would ever be realized under the present system. He could not get the accurate information which was to be derived from the returns sent to the Secretary of state's office, and was obliged to found his observations on the statements contained in The Sidney Gazette. He learned from them that there were no less than 27 persons capitally convicted there at two sessions, in 1817—and, if he averaged the number, per annum, at 40, he did not think he would be above the mark. This, considering the population, was about one individual in five hundred. Let the house contrast this with the state of crime in England. He found, that in Devonshire, 13 persons were capitally convicted in the last half-year, out of a population of 383,308—or one in 29,485. In the county of Warwick, where the assizes were considered very heavy, he found that twenty-seven persons had been capitally convicted in the half-year — or one in 8,759. And, in Yorkshire he found, greatly to the credit of that large county, that, during six months of the year 1816, only twenty-four persons were capitally convicted out of a population of 987,000—or one in 41,000. So that in this school of reform, which England had been supporting for thirty years, vice and criminalty had arrived at a much higher pitch than in the mother country. It was impossible to open any one of those gazettes without feeling chilled at the long details which it contained of every species of guilt and villany. Perhaps there never was a country on the face of the globe in which the same degree of guilt prevailed, as in the settlement in question.

There was another subject which was deserving of the most serious attention of the house—namely, the power assumed by the governor of New South Wales to inflict punishments at discretion. He had read attentively the act for the

regulation of that colony, and he could confidently say, that there was nothing in it which could authorize the governor to exercise such a power. Now, governor Macquarrie had thought fit, of his own free will, to cause three free settlers to be flogged, for what was called a contravention of the orders of the governor in going through a hole in a wall into what the governor called his park. One of these men was an ingenious artist, who had invented a machine—which he (Mr. Bennet) recommended to the consideration of the right hon. the master of the Mint—for striking out the centre of a dollar, an operation by which the governor had been enabled to take 10,000*l.* out of the pockets of the inhabitants of the settlement. Yet in the fury of his power the governor had ordered this free man to receive twenty-five lashes by the public executioner. He understood indeed that the person in question intended to institute a prosecution against the governor on his return home; but that was no reason why the house should shut its eyes to the transaction. Could the house shut their doors to inquiry, when the existence of such facts were admitted as those which were stated in the report of the committee appointed to inquire into this colony in 1812? It appeared in the report of that committee that the governor considered he had a right to inflict lashes to any number not exceeding 500, under the colonial regulations. He conceived it was the duty of the house to interfere, in order to prevent the exercise of any such power. He could prove the occurrence of the circumstance which he had stated by the evidence of the parties who had suffered, who were now in England, and by the remonstrances of the magistrates of the settlement. Had the governor had the good fortune to have a council, this and many other transactions of a like nature would never have occurred. Governor Macquarrie might be unwilling to receive such a council; but why lord Bathurst should put 20,000 persons and their properties under the unlimited control of one individual without any council to advise him, he was altogether at a loss to conceive. The subject of the taxes levied in this colony was also well worthy of attention. He knew the argument would hold, that money might be levied in a conquered colony; but he was ready to meet any man on that ground, and to show, that New South Wales was not a conquered colony. It was not in the power of government to raise a single shilling in it beyond what it was specially authorized to do by parliament. Yet the governor of that colony had levied ten shillings a gallon on spirits, sixpence a pound on tobacco, and various duties on other commodities, amounting to 20,000*l.* a year without any legal authority. If he were allowed to go on in this way what was to prevent him from levying a property tax on the colony? This was stealing a march on the house. Parliament could of course authorize government to levy duties on the inhabitants, but the Crown, with the privy council alone, had not power to raise a single shilling. The last subject to which he should advert, was the religious and moral education and instruction of the colony. The state of the colony in this respect baffled all description. A letter from Mr. Marsden, the chaplain-general of the colony, set at rest all loose assertions with respect to the moral state of the colony, and what was to be expected from exporting annually such a quantity of vicious matter to the New South Wales. A large proportion of the convicts were Irish Catholics, who had no religious instruction whatever, for he did not think they derived any from the order of the governor, who compelled them, by the intervention of a number of constables, to attend a place of Protestant worship every Sunday. In the church where they were thus assembled, every thing took place except what was most suitable to it. He had been also told that the Catholics, rather than submit to have the various religious ceremonies performed by Protestant clergymen, lived together unmarried—that their children were unbaptized—and that in short they submitted to no ceremony but that of being marched to church by the constable. A Catholic clergyman had voluntarily gone from Ireland with the view of instructing convicts of his own persuasion. He had gone from house to house, and exerted himself in the most laudable manner in promoting the comfort and correcting the morals of the people. No objections whatever were made to him on any other ground but that of his being a Catholic; but as a Catholic he was sent away from the settlement. He was no friend to the Catholic religion, and was of opinion that the conversion of Catholics to the Protestant religion would be a very great blessing; but there could be no

doubt that good morals under forty religions was better than immorality under one, and that those persons who were Catholics, and conscientiously attached to that religion, ought not to be deprived of the religious instruction of their own clergymen. There could be no doubt, he should think, in the minds of any person, of whatever religion he was, that moral and religious instruction from a Catholic clergyman was better than none. Yet the governor had shut up this priest in a gaol, and sent him home a prisoner. All he could say was, that he had this under Mr. Marsden's own hand—he had his letter in his pocket. Nothing could be more affecting than the manner in which mass was first celebrated in the settlement. Hundreds and thousands were present. The poor Irish lamented exceedingly the departure of their clergyman. They shed tears as he left them, and appeared rather to be following some beloved friend to his grave, than their pastor to the vessel which was to bear him away. He hoped government would take care that in future proper religious instruction should be given to the Catholics. The state of education was a matter deserving also of the utmost attention. There were 4,000 children in the settlement, and of those only 1,000 were educated—three thousand remained without any instruction whatever. The house would hardly believe that there was a place of deportation, to which persons were sent when they behaved ill; and that there was no church and no clergyman there. It was a remarkable fact, that out of all the women in the colony, there were not above 400 who ever were known to attend church. Those who knew the value of a religions education to the female sex in this country, would easily conceive from this statement what a dreadful laxity of morals there must be amongst the women in New South Wales. Mr. Marsden, in 1808, felt it to be his duty to wait on the noble lord, who then held the situation which lord Bathurst now filled, and communicated to him the dreadful condition in which the women were placed. The noble lord, whose humanity always disposed him to promote whatever tended to the amelioration of his fellow creatures, wrote a letter to the governor on the subject, almost doubting the possibility of the facts which had been stated to him, but giving directions for the removal of the abuses, if they existed. The complaint was, that the women, who were employed by government were, after three o'clock in the afternoon, turned out loose on the town, and from having no fixed quarters, the greatest number were obliged to prostitute themselves. Now would the house believe, that though this abuse was pointed out in 1808, and though instructions were immediately sent out to the governor on the subject, yet that until the 21st March, 1818, not one single step had been taken to remedy the abuse? On the 21st March, 1818, he saw that a tender had been made for building a place to receive these persons. In 1815, that was to say, eight years after the first communication of the abuse, Mr. Marsden declared that during the 20 years he had been in the colony, he never remembered so many atrocious offences, such as house-breaking, highway robbery, and the like, as of late years. Those prostitutes were the cause of the male convicts going out to rob and plunder to supply their wants. Nothing was more distressing than to see the vices and misery which prevailed. In 1808 Mr. Marsden had applied to government at home on the subject. In 1815, seven years afterwards, he again wrote to the colonial department, stating that nothing had been done for the females; that in consequence of female convicts being allowed to go at large at night, not one female convict would go into any respectable family; that this gave rise to the most dreadful system of plunder and devastation; that there was not a farmer who could keep a bushel of wheat on his farm, or any potatoes in his grounds; or a single hog in his stye; that when he went to bed, he was sure to be robbed of them, either by his own servants, or by others, to supply the wants of the females who lived by prostitution, to whom the men had access at all hours of the night; and that there was hardly a night but what the most dreadful crimes were committed; crimes at which even the people of London would be startled; crimes which would hardly allow a man to believe he was living in a country inhabited by Englishmen. That such should be the case would not appear wonderful when it was known that last year there had been no fewer than 52 public-houses licensed by the governor. One should have thought, that care would at least have been taken to see that proper persons held those licences. Many of them, however, were convicts, and some of them persons who had been guilty of the most atrocious crimes. One of them was the

wife of a person in this metropolis, well known by the name of Oxford Bob.—What could such houses be but flash houses, serving as a receptacle for all the thieves in the colony, and keeping up a communication between them? But this was not all. He understood it was customary for the governor to give tickets to persons who had come out with their pockets filled by the crimes which they had committed in England; thus authorizing them to open shops, to be furnished by those very crimes for which they had been transported. Were we to plant a colony on the other side of the globe, and to take no care as to the manner in which it was administered? He had no hesitation in saying, that if the settlement were well governed, and its resources wisely drawn forth, it might be made, instead of a seat of immorality and a nursery of vice, a source of great profit to the country. The exportation of wool from it was already considerable, and promised to be of the greatest consequence. He knew one gentleman, a Mr. M'Arthur, who had introduced sheep-farming into the colony on an extensive scale. That gentleman had last year sent over no less than 8,000 Merino fleeces, and he had sold his wool as high as 5*s*. 6*d*. per pound. But all those advantages were checked by saturating the colony with 2,500 criminals in one year. This would deter all honest settlers from going there. Many of these convicts could be of little use in such a colony; nor were those, intrusted with the disposal of the convicts on their arrival, attentive to the applications which were made to them by the settlers. He might instance the case of a settler, who wrote to the governor that he was in want of three husbandmen: on which the governor sent him two tailors, and a London pick-pocket. If this country were to return to its ordinary average of crimes, more than 600 convicts should not be sent out in one year. The expense of penitentiary establishments would be much less than that of the system of transportation. From every inquiry that he had made into this subject, he was led to believe that a penitentiary, capable of containing from 800 to 1,000 persons, could be erected at an expense of from 40 to 50,000*l*. Now the expense of removing such a number of persons to New South Wales exceeded that sum. It was a question deserving the greatest consideration, whether the youths of the country ought to be thus sent out of it. Was it the object to reduce our population by transporting all who became liable to that punishment? But if the object was, to support the colonies, let industrious settlers, persons acquainted with agriculture, be encouraged. When he had brought under the consideration of the house, the crowded state of our gaols, and the wants of the prisoners, he was sneeringly asked whether he would have Turkey carpets for them, and have them supplied with coffee and chocolate. He should probably, in like manner, be now asked whether he wished to abolish all punishment. So far, however, was he from being an enemy to punishment, that he was really a friend to punishment; but his motto was, "punish when necessary; but punish wisely, discreetly, and usefully." Transportation, which ought to be the greatest punishment next to death, should not be made an object of choice. They all knew, however, from the best evidence, that transportation was an object of choice to many. Applications had been made to himself by convicts, on the supposition that he possessed influence, begging him to use that influence to get them sent out. There was not a greater error that states could fall into, than that it was possible, by examples of severity of punishment, to check crimes. Facility of detection furnished the most efficacious means of checking crime. If punishments were to be as mild as possible, and if they could associate with the idea of crime in the minds of the public, that it would be sure to be followed by speedy detection, the house might take his word that that would do far more to check crime than filling the statute book with sanguinary punishments against which the good sense and humanity of society revolted. He begged pardon of the house for having so long trespassed on their indulgence, and concluded with moving, "That a committee be appointed to take into consideration the system of Transportation, and the state of the colony of New South Wales; and to report their observations thereupon to the house."

Lord *Castlereagh* said, that in the observations which he had to make he should confine himself to the general scope and view of the motion, rather than enter on the details and particular grounds which the hon. gentleman had brought before the house. He assured the hon. gentleman that he should very much regret if he were to suppose that he was not ac-

tuated by a wish to be of service to the cause which the hon. member himself had at heart. The hon. gentleman would do him great injustice if he did not consider him an ally rather than an opponent. One of the great advantages of peace was, that it enabled the house to devote more of their time to inquiries into subjects of this nature. If this case therefore stood on insulated grounds, it might be proper to appoint a committee to inquire into the facts stated by the hon. gentleman; but it was essentially connected with an inquiry which the house were on the point of entering into, and to which the attention of the country was now strongly turned, namely, the inquiry into the state of our gaols and of our penal law. If he could prove therefore that the hon. gentleman, by this separate inquiry, was not pursuing the best course for the attainment of his own object, he had a fair claim on him to abandon it for that course which he trusted he should prove was the most judicious and suitable. He was not disposed to shut his eyes to the defects which still existed in the administration of the colony, which was now the object of the attention of the house. He was not disposed to shut out the question from such farther investigation, as the state of the colony required. But he conceived that the subject of this motion ought not to form a separate inquiry in an insulated committee, which might have the effect of withdrawing many members, and among others the hon. gentleman himself, who were possessed of extensive knowledge on the subject, from the great inquiry of which this formed only a branch, and which ought to concentrate as much as possible the attention of parliament. Now if no case of abuse had been stated, which fairly called for a separate inquiry, he did not see why it ought to be disjoined from the matter of the same nature, which was so soon to occupy the attention of the house. A committee on the same subject had been moved for in 1812, by an hon. and learned gentleman, who, he lamented, was no longer a member of that house, whose attention was as vigilant, and whose mind was as competent for such inquiries, as any gentleman's—he meant the late sir Samuel Romilly. The result was, a committee was instituted, and an elaborate report was presented to the house, which he now held in his hand. In the conclusion of that report, it was stated, that it appeared the colony had latterly attracted more of the care of the government than it had done for many years; that from the measures proposed by government, and the liberal views of the present governor, the best effects were to be expected. He could also assure the house, that before the hon. gentleman gave notice of the present motion, his noble friend at the head of the colonial department had instituted a commission, and had obtained the consent of an individual, known, he believed, to the hon. gentleman, to go out to the colony and make a detailed inquiry on the spot, for the purpose of ascertaining whether the colony could be made more auxiliary to the administration of justice in this country; and how far its religious and moral improvement might be promoted. Now, if he could show that the inquiry which was proposed by the hon. gentleman would contravene the other more important inquiry into the whole subject, of which it formed only a branch, and that a commission had been instituted for the purpose of inquiry, particularly into the state of New South Wales, he hoped the hon. gentleman would feel that this separate inquiry ought not to be gone into. The hon. gentleman must know, that several individuals had lately come to this country, capable of giving the most valuable information to a committee of the house. Now, he could assure him, that in the committee in question, an opportunity would be given him for obtaining all the information of which he was desirous. If he could show him that the mode which he proposed was not the fittest for his object, that the government had neglected no duty of their own in this case, and if he undertook to give the hon. gentleman the means of obtaining all the information that he wished, he trusted the hon. gentleman would see the propriety of not pressing the present motion. The fair and frank avowal of the hon. gentleman, with respect to the measures of a noble friend of his, called for the same frankness on his part. He was ready to acknowledge that he, for one, was disposed to believe that the hon. gentleman devoted his attention to inquiries of this nature with the most sincere view of serving his country—that he entered the abodes of misery with the praise-worthy intention of benefitting his fellow-creatures. But the hon. gentleman threw so much laudable zeal into whatever he entered on, that he (lord C.) was disposed to think he reposed, not unfrequently, more confidence in the communications

which were made to him than they merited. But though he did not suppose the hon. gentleman on this account to be the less actuated by the most respectable motives, he would own that he was disposed to receive facts from him with considerable caution; for not on one occasion, but many, he had found the facts stated by the hon. gentleman to have been, speaking of them in the mildest manner, considerably coloured. He thought the hon. gentleman pledged himself more to the truth of the ex-parte statements which he received, than for the sake of his character he ought to do. He had indeed, that evening, made most honourable reparation to the individual, whom in a former statement he had unintentionally injured, but this ought to be a lesson to him to proceed with more caution in the accusations he might bring forward in future. The hon. gentleman seemed to aim at something quite out of nature in the case of the present colony. He confessed, he was not a little astonished how he should think of applying the same standard of morality to Botany Bay and Warwickshire. The one a colony of which two-thirds of the inhabitants were sent thither for crimes by which they had forfeited their lives to the laws of their country; the other, one of the counties of this civilized, and he hoped he might call it moral country. He confessed that he regretted the absence of the hon. member for Warwickshire, as he would no doubt have returned the hon. gentleman his warmest thanks for the compliment he had paid his constituents. The hon. gentleman's sensitive mind, in reflecting on the inconveniences to which a passage by sea was necessarily subject, had illustrated those inconveniences by asking what would be the sensations of any gentleman in the house, were he to go down into the holds of the transports, and expose himself to all the offensive smells to which persons confined in those vessels were subject? It must undoubtedly be confessed that a passage by sea, whether in a large or in a small vessel, whether in a ship of war, or in a packet, with convicts, with soldiers, or even with ladies, was not very desirable at any time. But unless it could be contrived to make a journey to New South Wales over land, he was at a loss to see how the inconvenience could be avoided.—The question between the hon. mover and himself, was in substance the same as that which had occurred some nights before, between a right hon. gentleman opposite, and his right hon. friend the chancellor of the exchequer. The right hon. gentleman wished at that time to have one committee to inquire into the state of the Bank, and another to inquire into the state of the currency and the exchanges; but the house had decided, that the question of the currency was so connected with the state of the Bank, that if there had been appointed two committees to consider these subjects separately, to enable any one to come to a practical conclusion, it would have been necessary to have a third committee to *marry* the two reports. Even if it were not intellectually impossible, it would be physically impossible for the house to divide its attention in the three committees. So many inquiries of the greatest interest were proceeding at present, among others, the committee on the Bank, while the house had also to try all the petitions on contested elections, that if the members, who had applied themselves to this subject, were dispersed in three committees, the inquiry could not be carried on with effect. He should think it a great misfortune, if his committee had not the advantage of the presence of the hon. mover, as well as the hon. and learned gentleman who had given notice of a motion for another committee. The house should make up its mind which was the best proposition of the three—that of the hon. gentleman, which was now before them; that of which the hon. and learned gentleman had given notice; or that which he (lord Castlereagh) should have to propose. In his opinion, that of the hon. gentleman was the least fitting of the three for the house to enter upon; in the first place, because it was the least comprehensive, and was the last that had been touched upon by the house, viz. in the committee of 1812; and finally, because the subject of it was undergoing an inquiry by the executive government. He agreed that the state of New South Wales, and the question of transportation, would form an important branch of the inquiries of the committee he had to propose. Indeed, the important question whether capital punishments could be diminished, was in his mind inseparably connected with the consideration whether transportation could be carried on in a manner attended with fewer evils; as the measures which it would be wise to propose as to the former, must depend upon the results of the inquiries respecting the latter part of this subject. He had stated, he hoped

fairly, why he thought the subject before the house the least fit to be made the exclusive subject of an inquiry: he should now mention shortly, why he thought his own motion was preferable to that which the hon. and learned member for Knaresborough intended to propose. The motion of the hon. and learned member, as he understood it, was to be for a general inquiry into the state of the criminal law, on the presumed allegation that by its severity it was open to reproach. The motion which he (lord C.) had to propose, was on the state of the prisons, on transportation, and the hulks. He did not exclude the state of the criminal law, but he contended that that subject could not be considered with advantage, except as connected with the practical question of remedial measures, and especially the question, what secondary punishment could be adopted if the punishment of death were less frequently inflicted. He thought it better to start from the practical than from the abstract question, because it was not wise in any state, and least of all in this state, at the present moment, to arraign its own administration of justice, in the eyes of its own people and of the world, without at lea t presenting, at the same time, a remedial resource. By the course he proposed, they would have the whole view of the subject before them; they could see where the pressure of severity was excessive. They could see where relief could be afforded to human suffering by the diminution of crime, through the force of example; and they could ascertain what were the best remedies for the evils of the present system. He preferred his own motion, because the others dissipated, while his rather concentrated the attention of parliament. The inquiry proposed by the hon. gentleman was too narrow to occupy the exclusive attention of parliament, while that proposed by the hon. and learned gentleman, though more comprehensive, was also more dangerous. The course he proposed to take was on a middle ground. He should move for inquiry into the state of prisons, and into the nature of the different legal punishments, and by letting in the question of punishments, the consideration of the penalty affixed by the law to particular crimes would come before them. This he thought the fairest and most practical mode of proceeding; and he trusted the house would not, by any general declaration, lower the best system of jurisprudence and judicature which the world had ever seen. It was, therefore, from no disposition to invade the province of the hon. mover, or to throw obstacles in the way of inquiry, that he felt it his duty, not to give a negative to the motion, for he should be unwilling to seem to receive any motion for such an inquiry, with disfavour, but to move the previous question.

Mr. *Wilberforce* expressed his disappointment at the manner in which the motion had been met by his noble friend. The speech of his noble friend had consisted of two parts; in the latter part of it he had recommended inquiry, in the former, he had seemed to argue that inquiry was of no use. Now he had, from some experience of the world, learned to listen with some distrust, and to accede with some hesitation, to the reasoning of any one who, after urging that no inquiry at all was necessary, turned upon you to recommend one particular mode of inquiry, as much better suited to the purpose than that which you had proposed to him.

Lord *Castlereagh* observed, that he was sure his hon. friend did not mean to misstate him, although he really was doing so. He had strongly recommended inquiry.

Mr. *Wilberforce* admitted that his noble friend had, in the latter part of his speech, spoken in favour of a certain mode of inquiry; but he was of opinion, that if any one had left the House after his noble friend had gone through one half of his speech, he would have supposed he was hostile to any inquiry. The noble lord had told them that a committee of the House had inquired into the subject in 1812. That committee had recommended the adoption of some measures with respect to that colony. Was it not then in the present state of that settlement, desirable to inquire whether the recommendations of the committee had been attended to? He had hoped the question would have been met in a different way; he had hoped that something would have been told them of the means which had been taken to improve the morals of the convicts, but in the whole of his noble friend's speech he had heard nothing of any attempt of this kind. Was not the reformation of the convicts one of the special objects of that colony? Should there not then be some system of police particularly adapted to this purpose? Why else were the convicts debarred from the advantages of the British constitution,

and, together with the free settlers, put under the absolute control of the governor, if it were not that some specific measures suited for the reformation of these unhappy convicts might be carried into effect? Undoubtedly it must be confessed, that for some time past this colony had attracted too little attention. The war, and other objects, had diverted the view of the country from a consideration of those establishments which ought never to be neglected; and thus, since 1812, no inquiry had been instituted into the state of a colony essentially connected with the criminal jurisprudence of the country. The state of things was now very different. We could enter on the inquiry with a full certainty that it would command attention, and with the prospect that the results obtained would throw light on other questions of interest. Considering this to be the case, he could not but feel surprised at the speech of his noble friend, which appeared made for the purpose rather of stifling than of promoting inquiry. If the arguments used by his noble friend were to be decisive in this instance, the House would find that nothing had yet been done towards the objects which all professed to have in view, and that, like an old soldier, his hon. friend would have to "fight all his battles o'er again." His noble friend had objected also to the motion for an inquiry into the general state of the criminal law of the country, of which notice had been given by his hon. and learned friend who, by his practical knowledge, and his humane and enlightened mind, was peculiarly fitted for such an investigation. Such a motion, his noble friend seemed to think, tended to throw general discredit on our system of judicature. But one ground for such a motion was, that our real system was different from our nominal one; and that, by holding out the threats of severities, which we did not dare to enforce, we encouraged the criminal by hopes of impunity, and induced him to enter into gambling speculations on the uncertainty of punishment. But, to return to the question, whether one committee only should be appointed; or whether the House should commit the investigation of each branch of the subject to a separate committee? Would it not be much better, before the House decided that certain offences should be punished by transportation, that they should know that New South Wales was a place fit for the reception of convicts? If they were to proceed in a different manner, the same committee must inquire, not only into the whole state of the criminal law, but into the state of New South Wales, into the system of transportation, into the state of gaols, into the classification of prisoners, and into many other subjects, any one of which would nearly be sufficient for its investigation. On the state of the prisons we had not only the information of Mr. Howard to peruse, but a book that contained statements with which all ought to be acquainted, and reasonings to which most must yield. That book had proved that prisoners might be employed for their reformation, and shown that thus the necessity for capital punishments, which was created by an unchecked progress in crime, might be reduced. He was therefore astonished, that his noble friend should think that such an arrangement as that which he proposed would facilitate inquiry. The committee, with these subjects committed to it, would be overwhelmed by the quantity of matter before them. The road to wisdom was the collection of different particular facts. An inquiry concerning gaols, to be complete, should embrace the state of the prisons on the continent and in America, in order to ascertain the means which had been used with effect to make those places schools for reformation, instead of depravity. But why should the investigation on that subject not be prosecuted separately from that into the state of the colony of New South Wales, which was perfectly distinct from it? Were the same committee to have those distinct and separate duties imposed upon them, their labours would neither terminate in any reasonable time, nor lead to any practical result. To undertake a limited part of the task, nothing would be a sufficient inducement but the feeling of an indispensable duty; and the labour, therefore, ought not to be rendered inefficient by being made too extensive. When the temptations to the commission of crimes were weighed—when the want of education was taken into the account—when it was considered that the boy, the child, was doomed to capital punishment, it must happen that the laws could not be executed; that a merciful forbearance, proceeding from a fear of drawing down the infliction of too severe a vengeance, would be indulged; that the guilty would be frequently allowed to escape, and there

would be a gambling in crime which would tend to promote its increase. This was a subject extensive enough for the inquiries of one committee; and he therefore wished it to be separated from that proposed this night, on the motion of his hon. friend. If, indeed, there was any disposition to conceal, to prevent things from being probed, the course recommended by his noble friend would answer the purpose. Whatever was the intention, the result would be the same. He was himself possessed of so much information respecting the state of New South Wales as to form the ground of considerable inquiry. Part of it derived from a gentleman with whom the secretary of the noble lord, Mr. Cooke, had had much communication. This gentleman (Mr. Marsden, chaplain at New South Wales), had acquired the admiration of all who knew him, and was entitled to assume as high a station in the moral world as any individual who had ever lived. The manner in which he had formed the settlement in New Zealand, was, in his (Mr. W.'s) opinion, an exemplification of true heroism; and would always endear his name to the friends of virtue and humanity. He had studied the character of the savage natives, some of whom he had kept for years in his own house; and he finally risked his own safety by setting the example of residing amongst them. This gentleman bore testimony to the wretched state of the inhabitants at Paramatta, who had no means of subsistence but by theft or prostitution This had been the case for years, but not a word of it was to be found in the report of lord Auckland's committee. Such would be the result again, if the House proceeded to inquiry tardily and reluctantly. A gentleman had been sent out by the government to inquire into the state of the colony, to whose character and qualifications he was willing to bear testimony;—but was the House to wait for years for his report? This was the first motion which had been made for an advance towards the moral reformation of the country, and such was the way in which it had been met. The noble lord would not negative it; no! he would not negative it! but he had moved the previous question. Was it not manifest that this would be the very way to prevent the House from obtaining information; would not all those persons who consulted the supposed wishes of the government, those men who were "wise in their generation," shelter themselves from examination by quoting the disposition of their patrons, and abstain from giving information, when they saw that the ministers gave such a reception to the proposal for inquiry? The subject under their consideration was of no small importance to the future interests of the world. There was one view of the question which could not fail to command the attention of those who reflected for a moment on the consequences of the policy which we had for some time past been pursuing. We had formed in New South Wales a colony of eighteen thousand people, who were spreading themselves in those regions, and who might prove a nest of vipers. When we considered the immense extent of the country in which they were settled, their communication with New Zealand, with the Asiatic islands, and the facilities of their access to our Indian territories themselves, we should be cautious how we formed a nucleus of contagion in that part of the world. It was much more easy to purify it now, than when the colony grew to a more unmanageable size. Nothing could more strongly show the necessity of taking the most effectual measures to secure that moral improvement which would enable them to establish order while they diffused knowledge. What they could do was a subject for inquiry—but it was time that the attempt should be made. He therefore earnestly entreated his noble friend to reconsider the grounds on which he had refused to assent to the motion.

Lord *Castlereagh* explained. He did not object to inquiry: he was as much disposed to it as his hon. friend, and only differed from him in the manner in which it ought to be conducted. He was for what he thought the best sort of inquiry.

Mr. *Goulburn* said, that in his opinion his hon. friend had mis-stated the argument of his noble friend. His hon. friend had ascribed to his noble friend the desire of crushing all inquiry, than which nothing was further from the tenor of his speech. He thought the course proposed by the hon. mover was not the best. His noble friend had connected this measure of inquiry with others of the same class to which it seemed to him peculiarly to belong. The inquiry instituted by government into the state of the colony, had been long in contemplation, and had been delayed only in consequence of the difficulty of finding an individual qualified for the undertaking.

Such an individual had however at length been found. Even the hon. mover had borne testimony to the merits of the individual to be appointed to conduct the inquiry on the spot, whose delicacy he (Mr. Goulburn) would not offend by sounding his praises. But leaving out of view altogether the qualifications of the commissioner, he would ask, would not inquiry be conducted with more probability of success on the spot than here? The hon. gentleman had objected to the hearing of half the case only; but would not an inquiry at home lead only to a knowledge of half the case, and make it necessary to receive statements without due scrutiny? His hon. friend had borne testimony to the high character of Mr. Marsden, and he (Mr. Goulburn) concurred with him in his praises of the individual mentioned; but even that gentleman had been the victim of calumny, propagated by people who had returned from the colony to this country; and whose evidence, if taken by the proposed committee, could not probably be rebutted by contrary testimony. Similar statements would be heard on other subjects, if the inquiry were prosecuted here, into transactions which took place at such a distance. If, therefore, he (Mr. Goulburn) objected to the present motion, it was not because he was averse to inquiry, much less that he was satisfied with the report of 1812, but because the proposed manner of conducting the inquiry appeared to be the worst calculated to obtain its object. If, as it had been said, the report of 1812 was meagre, why was it so? It was because the committee had to investigate at a distance of thousands of miles from the subject of their investigation. There could be no persons more anxious to obtain information than the members of that committee, among whom were sir Samuel Romilly, Mr. Horner, and Mr. Abercromby. They had done their duty, and had entered on the investigation with zeal; and their failure showed that the same inquiry conducted by another committee similarly constituted, might lead to an equal failure. In 1812 they could only procure information to 1810, and in 1819 the proposed committee could only gain a knowledge of the transactions of 1817, the evidence always referring to the transactions that happened two years previously. As to the present state of the colony, he had to observe, that he could not admit the whole of the hon. member's statements. In the convict ships care was taken to introduce some species of classification. The boys and the younger persons were always separated from the elder convicts. This would show that the department of the government to which the care of the convicts was entrusted, was not entirely negligent of their reform. In no case was there a great degree of neglect, and in many cases an extraordinary degree of attention was paid to the convicts. The hon. gentleman then read part of a letter from a chaplain who had gone in one of the transport ships to New South Wales. The writer stated, that as soon as he had gone on board, the first object was, to establish a school, which was no sooner done than the convicts flocked to it; about 30 were taught to read and write who were destitute of those qualifications; the observance of religious duties four times a week was enforced; those who were addicted to profane swearing were led to the discontinuance of that impious habit; and the unhappy persons who were the objects of this humane attention eventually acknowledged the benefits which they derived from it with tears in their eyes. He mentioned this circumstance to show that those who were engaged in the transportation of these unfortunate persons were frequently disposed to do every thing possible to ameliorate their condition. Adverting to the subject of religious instruction, he observed, that it was extremely difficult to induce clergymen to abandon Europe for New South Wales, or indeed for any other colony. This difficulty was not confined to clergymen of the church of England. He was aware of the fact stated by the hon. gentleman, that a Catholic priest was wanted in New South Wales, and he was happy to tell him that measures were about to be adopted, under the authority of the heads of the Catholic church, which, he trusted, would supply that deficiency. But the hon. gentleman had said, that a Catholic priest had been sent away from New South Wales, by the governor. True; but under what circumstances? An application had been made to the noble lord at the head of the colonial department, by a person who stated himself to be a Catholic priest, for permission to go out to New South Wales.—The orthography of his letter inducing a suspicion of his fitness, reference was made on the subject to the heads of the Catholic church, the answer from whom was,

that the person in question was a most improper one to be intrusted with the cure of souls. Of course permission was refused; and the circumstance having been communicated to the governor, when the individual arrived, as he did in a clandestine manner, the governor of course did his duty by sending him away. As to the evils which the growers of corn in New South Wales endured, they were not greater than those to which the growers of corn in every other part of his majesty's dominions were subject. The government was the great consumer, and naturally felt an anxiety, which was surely laudable, to procure a sufficient foreign supply, which of course was injurious to the interest of the resident agriculturist. With respect to the moral condition of the colony, whatever wickedness might exist there, was attributable to peculiar circumstances, and not to any deficiency in superintendence. The hon. gentleman said that only 400 women attended divine service, and arguing from the fact, that in England women were more constant in their devotions than men, he assumed that the attendance of so small a number of women implied the attendance of a much smaller number of men; entirely forgetting the disproportion of numbers in the colony between the two sexes. From 1816 to 1818 there had arrived in the colony 3,535 male convicts, and only 271 females. What then became of the hon. gentleman's argument on this part of the question? In answer to the hon. gentleman's observations on the superintendence of the convicts, he observed, that with respect to the female convicts, it was certainly true that Mr. Marsden had made some representations on the subject in 1810; it was also true that means were taken to diminish the general prostitution which before prevailed, and government had long had the intention of building a factory for the employment of the women. It was true, that in the beginning of March, 1818, no such factory was erected, as the governor, being informed that three additional churches were necessary, had to balance between building them and building the factory. He decided for the former, but as soon as they were completed the factory was commenced, and there was every reason to believe it would be finished in the course of the present year. As to the male convicts, it had been in contemplation to erect a barrack for six thousand of them, but this was an undertaking which, whatever energy or disregard of expense might be manifested on the part of the governor, required great previous inquiry, and would demand much time for its execution. He had now troubled the house a long time, but before he sat down, there was one observation of the hon. gentleman opposite which he felt it his duty to answer. He had thought proper to blame the government for not having made known to the house the measures which ministers had adopted in consequence of the report of 1812. Now, he begged to state, that in consequence of the motion of a gentleman who took great interest in the subject at that time, the dispatches which government sent to New South Wales, after the presentation of that report, comprehending the reasons which induced them to adopt some of the suggestions of the committee, and to reject others, had been laid on the table of the house, and as no observation had been made on them, government had a right to suppose that they met with the concurrence of the house. He apologized for not going into more minute details on the subject. It was one on which government were ready to afford the house all the means that might be required of forming a judgment. It was, therefore, unfair to tax them with an endeavour to thwart the hon. gentleman's object when their only reason for opposing the motion was, that they thought an inquiry by a committee could not be effectual until it should be known by the report of the commission already appointed, what was the state of affairs in the colony.

Sir *T. B. Martin* said, that in rising to offer a few observations to the house on the subject now before them, he should in the first place trouble them with reading extracts from some letters which he then held in his hand, in order to prove that the treatment and situation of the convicts were very different from what had been represented on the other side. The hon. baronet then read a letter from certain convicts, after their arrival in New South Wales, to the captain of the transport, in which they thanked him for the many comforts they had received during the passage. He then read a letter to governor Macquarrie from other convicts, in which they stated that they had received the most humane treatment; and that great attention had been paid to them by the medical officers on board. He proceeded to read a letter which he had received from sir John Gore, the admiral on the

Medway station, in which the admiral stated that he had read the report of the discussions in the House of Commons, on the subject of the ill-treatment of convicts; and as he had never had an opportunity of seeing the arrangements on board of ships of this kind, he had visited that in which Dr. O'Halloran sailed, and his indignation was roused when he saw the space set apart for him, so different was it from what he had stated in his petition to the house. It was larger than the writer, or the hon. baronet himself had enjoyed when lieutenant of a frigate, and, in short, all the convicts were well accommodated, and by no means crowded. The fourth letter was from the hon. captain Duncan, who declared, that the convicts themselves were sensible of the comforts they possessed; and that every thing appeared to be done for their accommodation and convenience. The hon. gentleman opposite had thought proper to stigmatise a transport with the title of the white slave ship. With respect to the Surrey, it had been said, that fifty convicts had died on board of her; but from that very circumstance, his majesty's government had instituted an inquiry; and the result was, that such regulations should be adopted as would prevent a recurrence of that calamity. Those regulations had been put in execution long ago. He begged leave to say, that if he proved that a ship landed her convicts in a healthy state, and that out of 3,000 persons transported to New South Wales, only 14 died on their passage, he should prove that the assertion of ill-treatment and improper confinement was totally unfounded. This was the real state of the case; and therefore with respect to the charge against the government on the subject of the transportation of convicts, there never was a more unjust or ungenerous imputation cast on any public department.

Sir *J. Mackintosh* observed, that it was unnecessary and would be inexcusable for him long to trouble the house, after the brilliant, beautiful, and unanswerable speech of the hon. member for Bramber, especially as it related to that part of the subject which most materially concerned him (sir J. Mackintosh), the criminal law. His hon. friend had been misunderstood. He had not said that the noble lord wished to stifle inquiry. He knew good manners and parliamentary usage too well to say so. What his hon. friend had said was, that the plan proposed by the noble lord would stifle inquiry, or if it did not do that, would render investigation a mockery. The noble lord had said, that his was a practical, not a speculative proposal. In his (sir J. Mackintosh's) notion of any thing practical, was included its being easily effected. Now, the noble lord's plan was beyond all human powers of execution. To appoint a committee to investigate the nature of capital punishments, to add to their labours an inquiry into prison discipline, and to throw in the weight of an examination of the system of a penal colony, the mode of transportation to it, &c. was indeed to impose a task to which no physical or mental powers were equal. He would say nothing on the first subject he had mentioned, because he was persuaded he could not say any thing upon it without injuring the effect of his hon. friend's speech, and because he would not be surprised or provoked into a premature discussion upon it by any address or adroitness of the gentleman opposite. The two gentlemen who had last spoken, had quite forgot the original ground of opposition to his hon. friend's motion. The hon. under-secretary, in saying that no inquiry was necessary, confuted the admission of the noble lord, that the subject was one fit for grave inquiry. The hon. gentleman however had allowed that all was not so well in the colony as could be wished—that to be sure, was a very mild manner of expressing his opinion of the morality or immorality of any place. The same might be said of every country; and if that was all which could be said, if it was the positive fact, then it would render the noble lord's disposition for inquiry completely absurd. The noble lord, however, wished to couple the inquiry into that subject, with the inquiry into the criminal law. Did ever any man before the noble lord propose a committee to undertake the investigation of so vast a system in a single session! The various provinces of that system ought to be divided. Each should have a separate committee, pursuing a separate inquiry, and making a separate report. The collision of various minds would afford a better chance of eliciting such information as might be advantageously proceeded upon by parliament. As to the inquiry proposed by the noble lord, it was impossible it could ever be completed. He was convinced that the public at a distance were contemplating the proceedings of parliament on this subject with more than ordinary jealousy.

*

They would not accept the declaration of parliament on the subject; but if they saw that an inquiry was instituted which was of such a nature that it was impossible to go through with it, they would say that parliament meant it should have no result. He wanted to silence such censures. He called on the house to furnish him with an answer to their libellers by acquiescing in his hon. friend's motion, and he called on the noble lord not to furnish those libellers with weapons of attack, by making such propositions as that which he had in contemplation. He wished to make a few observations on what had fallen from the two last hon. gentlemen. For governor Macquarrie, with whom he had long ago an intimate acquaintance, he had a great personal respect, but it was possible for a man to be mistaken in his best intentions, and the circumstance of the good disposition of the individual would be no answer to faults alleged to be in existence by his permission or command. He must say, that the hon. gentleman opposite had made a very bad answer to the charge of his hon. friend respecting the neglect of providing religious instruction for the Catholic portion of the inhabitants of the colony. It was well known that during those melancholy occurrences which took place in this country 20 years ago, a great number of Catholic priests were transported to Botany Bay. Without reviving the discussions of that period, he might say that those persons were not common felons. They might be—if hon. gentlemen so pleased to call them—great political offenders, whose presence at home was dangerous to the tranquillity of the country, but they were not felons. So many Catholic clergymen having, however, been transported 20 years ago, it was rather strange to hear the hon. gentleman claiming credit from his majesty's government for having at length applied to the Catholic hierarchy for a proper person to send out! To withhold the means of exercising their religion from any great body of men was persecution. To have neglected for so many years to send out to New South Wales a Catholic instructor, and thereby to have neglected the morality and happiness of so large a portion of the community there, was an instance of culpable negligence, disgraceful to every administration under which it had occurred. He was ready to admit, that there was one part of the motion of his hon. friend which was naturally connected with the investigation to be proposed by the noble lord into the state of the prisons; he meant the state of the convict ships, and the system of transportation, and if he might venture a suggestion to his hon. friend (for whom no man could entertain a higher regard and respect), it would be to leave those topics out of his motion, retaining only an inquiry into the state of New South Wales. He could not conceive two subjects more essentially different than that last-mentioned inquiry, and an inquiry into the state of the criminal law. The latter was an European subject, and under the domestic control of the legislature; the former was entirely unconnected with domestic policy, and under the control of a colonial government. It was too late in the night to make many farther remarks on the question. He must say, however, that his hon. friend had been mis-stated by the hon. gentleman, as wishing to establish the British contitution in New South Wales. His hon. friend was, on the contrary, remarkably cautious on that subject. He went no farther than recommending the adoption of the suggestions of the committee of 1812. Nay, he dissented from the opinion of that committee in their recommendation of the establishment of trial by jury. And here he would make one observation which had often struck him. Until the accession of his present majesty, with the exception of a few inconsiderable factories on the coast of Africa, and a few not less inconsiderable in India, no body of Englishmen had ever been established as a colony on a foreign soil, without partaking the enjoyment of the British constitution. The smallest rock in the West Indies exhibited a sort of miniature of the British constitution. "Simulataque magnis Pergama." It was a benefit which seemed to be considered as indispensable to the happiness of the people as light and air. Undoubtedly the consequence was, that the British constitution was introduced into places little adapted for its reception—that its form was transplanted to a soil in which its substance could not flourish. But while making this admission, he begged to remind the noble lord, that it was the ardent love of liberty which led their ancestors into such mistakes. Their successors had become wiser and more enlightened. Innovation in the present times did not always take place on the popular side.—For sixty years the old usage to which he alluded had been sedulously avoided. Not a single colony planted within that period,

except Upper Canada (and that very slowly), was thought worthy of participating in the British constitution. It was at least to be hoped, that while we acted with this circumspection to our colonies, we might at home set an example of that love of liberty, on which the good government, the glory, and the prosperity of the country depended.

Mr. *Canning* observed, that when his hon. friend, the member for Bramber, imputed to his noble friend two speeches inconsistent with each other, the remark appeared to have been rather prophetic of the character of the speech to be delivered by the hon. and learned gentleman who had just sat down: who had certainly in the latter part of his speech, diverged much more widely than his noble friend, not only from the real question in debate, but from his own declared view of that question. The hon. and learned gentleman had commenced his address to the House, as if he conceived the reformation of the criminal law to be the real matter in discussion. But before he came to his conclusion he appeared to have lost sight of that topic altogether, and discussed the question before the House as if it related wholly to the policy to be observed with respect to Botany Bay, considered as a colony—and to the introduction and cultivation of usages there conformable to the principles of the British constitution. Now, much as he knew his hon. friend, the member for Bramber, concurred with him in admiring the British constitution, he did not think the hon. and learned gentleman would find his hon. friend an advocate for applying the principles of the British constitution to every colony, under every mode of colonial existence. Nay, he remembered that he and his hon. friend had once fought side by side in hostility to such a principle; he alluded to an occasion on which they had contended, and contended successfully, to exempt the island of Trinidad, under the peculiar circumstances in which that colony was placed, from a participation in the British constitution, in order that, for obvious purposes, it might remain more immediately under the control of the Crown. The hon. and learned gentleman, however, carried his wishes on that subject much further. He acknowledged no exception to his general doctrine. The hon. and learned gentleman asserted, that in the simple times of their ancestors there was not a colonial rock in the ocean on which there did not spring up all the blessings of the British constitution. But, did the hon. and learned gentleman compare an acquired colony with a seminary of convicts? Did he recollect, that the convicts sent "in the simple times of their ancestors" to America, were there bound over to hard task-masters as labourers—in fact, as slaves. Had men so circumstanced, the enjoyment which the hon. and learned gentleman thinks so common and indefeasible, of the blessings of the British constitution? The fact was, that the care taken of convicts at the period adverted to and praised by the hon. and learned gentleman, as compared with the care taken of them at present, was as zero to a million. But "commend me" said the hon. and learned gentleman to the benevolent wisdom of our simple ancestors, who exported nothing but the blessings of the constitution. Amongst all who had formed any opinion on the subject—whether those who thought that Dr. Halloran had been unjustly "cabinned, cribbed, confined," or those who thought that that most exemplary character had been treated with an attention something beyond his deserts, the hon. and learned gentleman was probably the single philosopher, who, standing on the pier at Sheerness during the lading of a ship-full of convicts, would point it out to some foreign friend as freighted with a cargo of materials for building up a British constitution. He (Mr. Canning) doubted whether this ultra-philosophy would win many proselytes, even in the present most liberal day; he doubted still more whether their ancestors had bequeathed to them, either by precept or example, the duty of establishing in a colony of convicts, a constitution of king, lords, and commons, accompanied with a splendid hierarchy, mitigated by principles of universal toleration.

By comparing the two parts of the hon. and learned gentleman's argument, it would plainly appear that he had mistaken and misrepresented—misrepresented because he had mistaken—the question as between his noble friend (lord Castlereagh) and his hon. friend who sat beside him (Mr. Goulburn). The hon. and learned gentleman contended, that his noble and his hon. friend's arguments were opposed to each other. And why? The one defended the executive government from the charge brought against them; the other contended that the pro-

posed inquiry was one which ought to be united with that on the criminal law. Both positions were perfectly tenable, and perfectly compatible with each other: "If your motion conveys an accusation against government," said his hon. friend, "no case has been made out for it, and it ought to be negatived." "If your motion is for an inquiry," said his noble friend, "we will not negative it; but, admitting the fitness of the inquiry, move the previous question, in order that your inquiry may be subsequently comprehended in an investigation to which it naturally belongs." There was in this no inconsistency; but if such opinions were still held to be inconsistent by the hon. and learned gentleman, he (Mr. Canning) must beg permission to share the blame, by avowing his concurrence in both. But it was clear that the hon. and learned gentleman himself had felt the force of his noble friend's reasoning; for at the close of his speech he recommended the hon. mover to withdraw that part of the motion which related to the state of the convict ships, and the system of transportation, and to confine the motion to New South Wales. That was, to give up the whole argument. His noble friend had contended, that the convict ships were a connecting link between the object of his proposed motion and an inquiry into the state of the colony of Botany Bay; a colony which being not for the establishment of the British constitution and Warwickshire manners, but for the exportation of convicted felons, came naturally within the scope of an investigation into the criminal law. This connecting link the hon. and learned gentleman was for detaching, for the express purpose of separating what his hon. friend's (Mr. Bennet) motion had joined. As the motion now stood, the two parts were (as his noble friend had stated them to be) inseparable.

Adverting to the description which the hon. mover had given of the condition of the convicts on board the transports, he must say, with the utmost respect for the excellent disposition and humane views which so often directed that hon. gentleman's attention to such topics, that it reminded him of the observation of Dr. Johnson, quoted by the hon. mover himself on a former night, "that sometimes it was more probable that the evidence was mistaken, than that the fact was true." He trusted the hon. gentleman would not impute any disrespectful feeling towards him when he said, that in all future cases of a similar nature which that hon. gentleman might bring forward, he should be inclined to withhold his belief of their accuracy on the first statement, and to wait for confirmation before he consented to act upon them as well-founded.—He confessed that he did not see the advantage of those general declamations against punishment which the House had lately heard in such abundance. They only tended to impress a belief, both in this country and among foreign nations, that our laws were unnecessarily and even wantonly severe. It might be so The gentlemen opposite might be right. If so, God forbid that the existing system should continue a day longer, provided another could be substituted, which, while it equally maintained and secured society, might be less severe in its penal inflictions. But he hoped the House would recollect that they sat there as the guardians of the life, property, and tranquillity of the public, and that while they lent a patient and sometimes a favourable ear to harangues calculated to excite their compassion and sympathy (the statements conveyed in which, when brought to the test of examination, were however often happily found to be devoid of foundation), they would not forget the interests which it was their duty to protect. Let the House beware of countenancing such sweeping and indiscriminate projects of change in the existing frame and sanctions of the laws, as might unhinge the peace of society, and raise obstacles to the due administration of civil government, such as all their ingenuity and wisdom might not hereafter be able to remove. He was the more apprehensive on this subject when he found even an individual characterised for so much ability and prudence as his hon. friend, the member for Bramber, betrayed on presenting a petition from the respectable society of friends, into an assertion of the proposition contained in that petition, that the legislature, while condemning by its enactments offenders to death or transportation, had been itself the fruitful source of crime, by its neglect to provide more liberally for the moral and religious instruction of the lower orders. He imputed not to his hon. friend the intention of exciting or countenancing all the wild and dangerous misrepresentations to which such an avowal

might be liable. But was it possible that his hon. friend should not be aware of them? Was it possible that he should not see to what inferences such an avowal, from such a quarter, diffused among the loose and profligate part of society, might lead? Let his hon. friend reflect on the dangerous consequences of entertaining lightly abstract questions of that nature, without a constant reference to facts; without a determination that however excited by the fascinating eloquence of the advocates of every thing that was humane and amiable, the House would come to no resolution without a previous and ample inquiry into the real state, operation, and effect of the criminal law, the condition of the prisons, and the adequacy of inferior punishments to the repression of crime. He would cordially agree with the hon. gentleman that when in any instance a scheme of secondary punishments should be found effectual for the prevention of crime, it ought to be adopted, and the capital punishment for that crime, unless one which the laws of God made punishable by death, should be abolished. But the worst and most objectionable mode of introducing a reform on the subject was to begin by attacking generally the system of the criminal laws. The House should recollect, that there was not in this country what was properly called "a code" of criminal law. Our laws had not been enacted at a moment; they were gradually framed, from time to time, as emergencies arose; they were not struck out at a heat; they had not been inscribed at once on twelve tables; nor did they, with the fanciful accuracy of Chinese legislation, anticipate every possible shade of offence, and apportion to it with nice adjustment a precise degree of infliction from a graduated bamboo. Our laws, criminal as well as civil, had grown with necessity. They had either acquired severity with the increasing energy of crime, or they had been mitigated as the desired object of correction had been accomplished; and in this administration was it necessary to say, or could it possibly be denied, that to avoid involving innocence with guilt was so much the ruling principle, that the openings for escape from punishment even to guilt itself were multiplied with the most anxious solicitude and ingenuity. It would, indeed, be easy, by a sweeping legislation, to pull down the fabric reared by the wisdom of ages; but how was one of equal stability and value to be constructed a-new? Who was there among the advocates for the abolition of a system the result of the experience of our forefathers; who could offer to the House, or ensure to the country, in any other frame of criminal jurisprudence, even an equally adequate security for the protection of property, of individual liberty, and of public tranquillity? In our zeal to mitigate the infliction even of deserved punishment, it was surely our duty to remember that tenderness to criminals ought to be subservient and secondary to the general welfare of society; of those who had not offended the laws at all; and who had a right to look to them for protection. Convinced that the best mode of investigating this most important topic was the adoption of the committee to be proposed by his noble friend, he should vote for the previous question on the present proposition; thus leaving the subject open for that future inquiry.

Sir *James Mackintosh* begged to be allowed to explain. He had never said, or meant to say, that New South Wales was in a condition to receive the benefits of the British constitution. The right hon. gentleman had directed his attacks only against the outworks, without daring to march boldly forward against the real substance of the question. He had never expressed any wish so absurd, as that the terrors of the law should be diminished: on the contrary, he was anxious that where necessary they should be augmented; but he should ever oppose that severity of the penal statutes which tended to deprive the laws of their efficacy. The right hon. gentleman had also misstated the contents of the petition of the Quakers, who did not pray that the punishment of death should be wholly abolished; but they expressed a hope that the frequency of an infliction so repugnant to the principles of Christianity would be diminished.

Mr. *Canning* also explained, and contended that the whole substance and gist of the Quakers' petition was what he had asserted it to be.

Mr. *Tierney* congratulated the right hon. gentleman on the happy disposition, and no less happy knack he possessed, of turning into jest the gravest subjects. Such a facility had been now and then attributed to him (Mr. Tierney); but if he had ever enjoyed it, the powers of the right hon. gentleman far exceeded his; or, to invert a figure of his own, were as

a million to zero. It was not a little singular to observe, that whenever any question was debated connected with the miseries of his fellow-creatures, the right hon gentleman always found occasion to treat the House with a comical speech. The more aggravated the sufferings, the more numerous and the broader were the jokes. A discussion upon the state of gaols, upon the treatment of convicts, upon the hardships they had to endure on their voyage, and at its termination, never failed to afford him a high source of enjoyment; and it was amusing to see how skilfully he prevailed upon his friends around him to join him in a hearty laugh at the calamities and misfortunes of the rest of mankind. No doubt the right hon. gentleman and his friends had good reasons to congratulate themselves upon their own happy situation. They were all comfortably provided for (or by joining in the ridicule, hoped to be so)—they had nothing to complain of—they thought that things were just as they ought to be, and that it was the most absurd thing in the world to talk about any thing that could disturb their self-complacency: the right hon. gentleman, therefore, took upon himself to put every thing in the pleasantest point of view; and it was not long since he had convulsed the house with laughter, on the question of the Habeas Corpus act, by directing his ridicule against an individual who happened to be affected with a rupture. Infirmities of mind and body were alike the subjects of his jest and sarcasm, and nothing was too contemptible or too wretched to excite his own and his friend's risibility. The motion of his hon. friend was for an inquiry into the state of the convicts and of the colony of New South-Wales; and the objection was, that the noble lord had that very night come down to the house, and before the motion could be brought on, had given notice of a committee on the state of gaols; and the argument was, that this ministerial manœuvre should get rid of the investigation proposed by his hon. friend, by mixing it up with an inquiry into the state of the prisons of the country. The three points which the noble lord wished to embrace, were gaols, convicts, and colonies; the two last being, in truth, the object of his hon. friend's motion. All agreed that inquiry was necessary, at least all professed to agree upon that point, and the test of sincerity would be the acquiescence of the noble lord in the motion of his hon. friend, by which his one object, gaols, would be united to his hon. friend's two objects, convicts and colonies. He (Mr. Tierney) denied that all these three objects should be made the subject of joint examination before one committee—each branch ought to be referred to a separate body, if any result were desired; the only objection urged by the noble lord to this wholesome mode of proceeding, was the inconvenience that might be produced. He urged that committees on the Bank, on the Poor laws, and on various elections, were now sitting; and to appoint one more, even for this great purpose, would be inconvenient. He (Mr. Tierney) had never till now discovered any precise motive for so long postponing the meeting of parliament; but motive enough was now apparent, if the multiplication of committees of all kinds in consequence, was to be assigned as a reason for not entering upon an inquiry not very palatable to his majesty's ministers. The right hon. gentleman had complimented the dexterity of the speech of the hon. member from Bramber; but he had himself displayed a great deal more expertness in endeavouring to get rid of a motion, by touching upon all the immaterial points, and diverting the attention of the house from all those that were important. It was quite clear that the noble lord and his colleagues were anxious to avoid all inquiry, under the pretence of the most full and ample investigation: they were not contented with a committee upon the state of New South Wales, but it must include also the condition of the gaols and the circumstances attending the transport of convicts—nothing would satisfy their greediness of inquiry—even the whole question of the criminal laws was to be submitted to the same body; for, said the noble lord, and said the right hon. gentleman, (and of course said all those who sat by their sides), those subjects are all intimately connected; that is to say, the gaols of the united kingdom were intimately connected with the state of the colony of New South Wales, because ships now and then proceed thither from the united kingdom. This was the argument; although it would be just as logical to assert, that the treaties of Aix-la-Chapelle would come under discussion in a debate upon a bill for regulating the packets between Dover and Calais, because those packets had had the felicity of conveying the noble lord on his way to that

imperial rendezvous. But since the undoubted object of the noble lord was to stifle all inquiry, he could not do so more dexterously than by making the subjects that were to engage the attention of the committee, so extensive as to preclude for years the possibility of a report. Was this the general sense of the country? Did not the national voice demand an investigation, and a decision as soon as it was possible to arrive at a safe conclusion? His hon. friend who had brought forward the motion, had received compliments (and compliments they were only to be considered) from the noble lord and from the right hon. gentleman; but they were heartless and hollow, and only extorted because they knew that if they did not applaud, the country would. It had been objected, however, that his hon. friend was not always well founded in his facts, that his good nature and humanity had been in some cases imposed upon. At least this objection could not be urged against the noble lord and his friends. He who kept open house for the miserable and unfortunate, must expect to hear misrepresentations—the ruptured would not be turned away from his doors with contempt and ridicule; but if the facts were doubted, was not that a sufficient reason for going into the committee? The question regarding the gaols was merely an after-thought with the noble lord: he had never intended to introduce it into his original motion; but, threatened with the proposition now under debate, he had resorted to this happy expedient of smothering all useful results in a mass of unimportant details. [Lord Castlereagh said, "I beg your pardon," across the table.] Mr. Tierney appealed to the recollection of the House, when the noble lord had first introduced the matter to its notice. Well might the right hon. gentleman object to the alteration of the motion as suggested by his hon. and learned friend, for the moment the passage of convicts by sea to Botany Bay was excluded from inquiry, the link of connexion was destroyed, and the state of the colony had nothing to do with the gaols or the criminal code. Was it a very absurd inquiry to ascertain the present condition of the colony, the improvement of the inhabitants, and whether the public money was properly expended? The latter branch always seemed unnecessary to the other side of the House; but what connexion had it with the criminal code, and the four walls of a prison? Such subjects were only united by the noble lord to prevent the possibility of a report during the present and perhaps the next session; for he appealed to the hon. member for Bramber, whether on such complicated topics it would be possible to arrive at any speedy or satisfactory conclusion. The excuse, too, was as absurd as the proposal; for, was it not a gross reflexion upon the House to assert, that separate committees could not be named for separate and vital purposes, because a few election committees were employed in determining on the validity of a few paltry seats in parliament? He did not impute it to design so much as to habit; but the right hon. gentleman had a knack of exaggerating and misrepresenting, that was sometimes injurious to his own cause; when, for instance, he talked of his hon. and learned friend standing on the pier of Sheerness, and telling his companion that a cargo of kings, lords, and commons, was just on the eve of exportation for Botany Bay, a laugh for the moment might be excited, but at the expense only of the right hon. gentleman. In the same way he had tickled the back rows by jumping from Botany Bay to China, and by exhibiting his graduated bamboo; though how he applied it, Mr. Tierney was at a loss to imagine, unless indeed he thought it ought to be applied to his friends. As to arriving at the end of the noble lord's inquiry this year, it was quite as hopeless as to expect that the noble lord would arrive at Botany Bay this year. The dreadful anathema pronounced against the hon. member for Bramber was equally uncalled for, and could only be pardoned by the supposition of a singular misapprehension: all that hon. gentleman had meant was, that the higher orders, were in a degree responsible for the crimes of the lower orders, if they did not endeavour to promote their moral improvement. Having gone over the various points, and exposed the under-plot of the noble lord, he should only farther remark, that as the other side felt a little sore regarding the intended motion of his hon. and learned friend, the present discussion was intended by them as a sort of rehearsal, a kind of experiment of what they could both say and do. The noble lord was anxious to show his cards, that others might judge of his chance of success; but if he would take his advice, he would keep them himself, lest he should at length discover, after so much shuffling, that he had mis-dealt.

Mr. *Bathurst* contended, that the motion of his noble friend would go to the extent of ascertaining whether it was possible to abolish capital punishment; consequently the state of the gaols and hulks, and the treatment of the convicts at Botany Bay, must come under consideration, and be connected with the inquiry. It appeared to him that an inquiry by commission upon the spot would be more effectual than one conducted at 4,000 miles distance; and that if the subject were referred to three committees, it would require a fourth to digest the substance of the reports of those committees before the House could come to any rational opinion upon them.

Mr. *Fowell Buxton* said, that he had found the subject so large and so complicated, that his own experience and knowledge were in comparison extremely limited and insufficient. He was convinced, however, that if all these subjects were considered together, if the prisons, the penitentiaries, the transportation of convicts, the state of the colony of New South Wales, and the criminal law involving the whole question of the penal code, were all submitted to one committee it would be utterly impossible for that committee to make a report in any thing like reasonable time. The most expedient way of coming to a sound conclusion was, to form a solid and expansive base upon which a building might be erected, gradually advancing, like a pyramid, to a point; but the noble lord seemed entirely to have reversed the matter; he had begun at the wrong end, and had taken a point for his base.

Mr. *Marryat* spoke against the original motion, and fully acquitted the ministers of any charge of inhumanity, or of any disregard to the comfort of the convicts. Upon referring to the documents before the House, it would be seen that the mortality among the convicts, on board the transports was less during the same period of time than among those on board the hulks, or those confined in the Penitentiary at Milbank. He was ready to admit that an inquiry was necessary to be instituted into the state of the colony of New South Wales; but the question was, whether that inquiry would be best made by a commission on the spot or by a committee in this country about 4,000 or 5,000 miles distant.

Mr. *Wynn* expressed his decided approbation of the original motion, and he did so on the ground that it was not practicable for any committee to go through the various subjects to be laid before them in any reasonable time. It was asked on the other side, "shall we not have three conflicting reports?" but it seemed to have been entirely forgotten that the committees were only to report facts upon which the House was to decide. It had been supposed by the supporters of the previous question, that the inquiry in the committee was to be confined to the convicts at Botany Bay. It should be recollected that the convicts did not form one half of the British population in that colony. There were many individuals whose terms of transportation had long since expired, and who were unable to return to their own country. Unless some attention were paid to those persons, they might be compelled to remain at Botany Bay all their lives. He was extremely unwilling to take this inquiry out of the hands of government; he was glad at all times to see the ministers give their support to public measures, but in the present instance he thought it would be far more advisable to adopt the course proposed by his hon. friend.

Mr. *Forbes* addressed a few observations to the House respecting the conduct of Mr. Macquarrie, as governor of the colony of New South Wales. He had the honour of being personally acquainted with that gentleman, and he was convinced that the more strict the inquiry was into his conduct, the more the House would be satisfied that he had been guided in all his actions by the most humane feelings.

Mr. *Bennet* made a short reply, and particularly to what had fallen from the right hon. gentleman opposite. He was very ready to admit that he was at all times willing to listen, perhaps with too much credulity, to the statements of misery and wretchedness which almost daily presented themselves to his view; that he might sometimes be biassed by representations which might not in the same degreee influence a jury; but he thanked God, that he had not, as that right hon. member had done, made a subject of merriment of the miseries of these unhappy beings, that he had not trifled with their feelings. The right hon. gentleman might, indeed, amuse the House, but he might be assured that the public would listen to such indecencies only with feelings of disgust and abhorrence. There was one remark in the right hon. gentle-

man's speech which he could not pass over in silence. He had said that he could not give credit to his (Mr. Bennet's) statements. This the right hon. gentleman had asserted, and he could only reply, that he hoped the time would arrive when a convincing proof would be given of their truth. The right hon. gentleman had in the course of his speech been pleased to pay some compliments to him; for them he cared very little, excepting so far as they showed a decided enmity on the part of the right hon. gentleman towards him. On this account he was glad of these compliments; for if he (like the noble lord on the right hon. gentleman's right, and the right hon. gentleman on his left) had been made the object of the right hon. gentleman's bitterest abuse, there would then have been a greater chance of their coming together.

Mr. *Canning* explained, that he did not assert that he would not give credit to the statements of the hon. member; he had only said that he would not act upon them.

Mr. *Bennet* replied, that the right hon. gentleman had a right to entertain what opinions he chose, and so had he (Mr. Bennet) and to express them in whatever manner he pleased, as long as he adhered to the settled rules of the House.

Then the previous question being put, the House divided: Ayes, 93; Noes, 139.

HOUSE OF LORDS.

Friday, February 19.

State of Prisons.] The Marquis of *Lansdowne*, adverting to the motion made by him towards the close of the last session, and agreed to by the House, for papers respecting the State of the Prisons, and also to the intimation of the noble viscount opposite, of his intention to move for a committee to consider the state of the prisons, wished to know when the papers alluded to were likely to be laid before the House, and on what day the noble viscount meant to move for the committee? He did not wish, with regard to this subject, to take the question out of the hands of the Prince Regent's government, nor indeed, in consequence of his attendance in the committee, on the bank restriction, had he time properly to attend to it, but should the noble viscount not name an early period for moving the appointment of a committee, he should feel it his duty to call the attention of the House to the subject.

Lord *Sidmouth* said, he held in his hand an account connected with the subject to which the noble marquis referred, and on Monday intended to lay on the table further accounts, which would constitute the greater part of the returns ordered on the motion of the noble marquis. Their lordships would recollect, that the motion of the noble marquis was for the prison returns until the end of the year 1818, and these, as he had already informed the House, could not be expected to be made up until a considerable time after the meeting of parliament, most of the returns for England were made up, but they were not quite complete. The major part for Scotland had also been made, but very few had been received from Ireland. He should on Monday lay all the returns made on the table, and would on Thursday next move, that they be referred to a committee.

The Marquis of *Lansdowne* said, that the motion he made last session had for its object not only to obtain returns from all the prisons under the control of sheriffs, but all prisons in the country of every description. He had some apprehension, from the information he had received, that returns had not been made from prisons under local jurisdiction.

Lord *Sidmouth* was not aware of the cases to which the noble marquis alluded, but if it should be found that the returns were not made in the spirit of the order of the House, it would be for their lordships to see that such a neglect was promptly corrected. For his own part, he could assure their lordships, that he would do every thing in his power to attain full and accurate returns, with as much expedition as was practicable.

Slave Trade.] The Marquis of *Lansdowne*, in submitting to their lordships the motion of which he had given notice, felt that it would not be necessary for him to advert to the papers presented by the noble secretary of state, relative to the conventions concluded at Aix-la-Chapelle with the principal powers of the continent. He would only observe, that after looking at these papers, and seeing the little prospect they afforded of any effectual assistance from those powers towards the complete abolition of the Slave-trade, it was the more incumbent on their lordships not to suffer the advan-

tages already possessed by the country, in the treaties concluded with Spain, Portugal, and the Netherlands, on the subject of the Slave-trade, to be thrown away. It was for this reason he had resolved to call their lordships attention to these treaties, which had been obtained by great sacrifices; but, great as the sacrifices were, he should never lament that they had been made, if the stipulations entered into were strictly enforced. Their lordships would recollect, that by conventions concluded in 1817 with Spain and Portugal, it was agreed, that after a definite period from the exchange of the ratifications, which period of exchange was fixed for Portugal at four months, and for Spain at two, a mixed commission should be sent out to superintend the execution of the treaties with respect to the Slave-trade north of the line. The period within which the appointment of the commissioners, and the commencement of their duties, were to take place, was one year from the date of the exchange of the ratifications. It was to be expected, that no time would have been lost on the part of the British government in appointing this commission, and in sending out a naval force competent to secure the full execution of the treaties. It appeared, however, that no anxiety for the speedy fulfilment of these important objects had been manifested. The mixed commission, it was said, had been appointed; but at what period did the appointment take place? And as to the sending out of the commissioners, that was a proceeding with respect to which their lordships had yet to learn that any steps had been taken. This fact, however, was well known—that last year, when the treaties with Spain and Portugal ought to have been carried into full effect, in autumn, when the period of one year from the exchange of the ratifications had expired, the Spanish Slave-trade on the coast of Africa, north of the line, and in the latitude of the Cape de Verd islands, was carried on with the greatest activity. In December last, representations had been made on this subject to the noble lord at the head of the Admiralty. The answer given by that noble lord, as he had been informed, was, that no vessels could then be sent out to the coast of Africa, to enforce the stipulations of the treaties, because no instructions had then been issued for the guidance of the commanders of his majesty's ships in the execution of that duty. Whether any instructions had since been issued, he did not know; but seeing that by the letter of the treaties themselves, they might have been carried into complete execution within a year from the exchange of the ratifications, it did appear most extraordinary, that that year should be allowed to expire without any vessels being sent out to check this atrocious commerce, known to be carried on with renewed vigour and activity on the African coast, and without any instructions being given to enable the commanders of British ships of war to perform with confidence, their duty, in the enforcement of the stipulations of treaties, which, as he had already observed, had been dearly purchased by the country. The noble marquis concluded by moving an address to the Prince Regent, for copies of the instructions to the members of the mixed commission, appointed under the commissions of the 28th July, and 29th September 1817, and 4th May, 1818; and also copies of the instructions under similar dates, issued to the commanders of his majesty's ships, to carry into effect the treaties concluded with Spain and Portugal relative to the Slave Trade.

Lord *Melville*, having no intention to resist the production of the information called for by the noble marquis, should trouble their lordships with only a few words in explanation. The ratifications of the Portuguese treaty were not exchanged until February last: those of the treaty with Spain had been exchanged in September 1817. The noble marquis must be aware, that these treaties could not be laid before parliament until they were ratified; and that until they had received the sanction of parliament, and acts had been passed in conformity with their stipulation, it was impossible to take any steps for carrying them into effect. The act which sanctioned the measures necessary to be taken for carrying the treaties into effect, did not pass until the month of June, and consequently it was not in the power of his majesty's government to issue any instructions, under the stipulations of these treaties, for the regulation of the commanders of his majesty's ships, until after that period. As soon as the act was passed, a noble friend of his, not a member of that House, did every thing in his power to hasten the appointment of the commissioners; but several gentlemen to whom that appointment was offered,

had declined to accept it, and a very considerable time had elapsed before suitable persons could be found to fill the situation. The necessary instructions to the commanders of his majesty's ships could not with propriety be issued, until after the appointment of the commissioners. It was obvious that if instructions under the treaties had been issued to ships of war, vessels might have been captured, though there would have been no jurisdiction to which the question of the legality of the seizure could have been referred. This was a difficulty which it was necessary to avoid. Certain general instructions were issued to the commanders of British ships of war, but particular instructions, conformable to the letter of the treaties, it was evidently impossible to give, until after the formation of the commission. Their lordships would also recollect, that part of this measure depended, not on his majesty's government, but on foreign powers; for until these powers sent out their commissioners, ours could have no authority to act. He had reason to believe, however, that no time would be lost in the formation of the mixed commissions. Our commissioner would be speedily sent out, and he could assure their lordships that every endeavour would be made to hasten the same measure on the part of other powers.

Lord *Holland* declared, that no person could be more disposed than he was, to pay due respect to any statement made by a noble lord in that House; but, notwithstanding the anxiety now attributed to his majesty's ministers, to confine themselves within the limits which the law imposed, and giving them full credit for the circumspection with which they had acted in the present case, he could not help thinking, that what had fallen from the noble viscount, instead of tending to lull their lordships into a confident tranquillity, with respect to the conduct of ministers, was calculated to excite all their vigilance, for the purpose of compelling those ministers to carry the treaties in question fully and fairly into effect. The noble viscount had said, that it was impossible to take any steps under the treaties, until they were sanctioned by parliament, and an act on the subject had passed; but as ministers knew the state in which the question stood with respect to the treaties, it would have been well had they taken the trouble, early in the last session, to have explained the necessity of passing an act on the subject without delay. It was certain, that the ratification of Spain, at least, had then been received. But the hands of his majesty's ministers were, it seemed, tied up at that time, for want of an act of parliament; and when they at length found them released, a new difficulty arose in the selection of the commissioners. If, however, this want of a law prevented these scrupulous ministers from appointing commissioners, it surely did not prevent them from looking out for them. With the influence they possessed, they might surely have placed some reliance on the power of their eloquence to persuade parliament to adopt so reasonable a measure as an act for the appointment of commissioners according to the terms of the treaties. In full confidence, as they must have been, that the event would be such as had taken place, why did they not make inquiry for the proper persons to be appointed commissioners? The noble viscount had laid considerable stress on the necessity of the other powers sending out their commissioners before the commissions could be authorized to act, but the obvious way to prevent delay in that respect would have been to take care to be ready ourselves: we should then have been in a situation to insist on the prompt execution of the treaty on the part of these powers. When he recollected all that had passed respecting the abolition of the African Slave-trade, he could not help suspecting much indifference in his majesty's ministers, with regard to the measures necessary to complete that great object—indifference to an extent, which imposed on their lordships and the other House of Parliament the strictest vigilance in watching the measures of these ministers. During the many months which had been allowed to pass away without any thing being done towards the execution of the treaties, thousands of unfortunate beings had been inhumanly torn from the coast of Africa, and placed in a state of the greatest misery: and what was worst of all, the evil habits of this revolting traffic, had thus been allowed to continue, and new malignity had been given to their immoral effects. Surely these considerations, if they did not prove a culpable neglect, showed at least such an indifference to this object, on the part of ministers, as would induce their lordships to look carefully at their conduct during the remainder of the session.

The Earl of *Liverpool* thought it necessary to say a few words, in consequence of what had fallen from the noble lord opposite. As to the appointment of commissioners, their lordships would not fail to see that the selection of persons for that situation must have depended on the remuneration which was to be allowed to them. Now, until the salary was fixed by act of parliament, it was impossible to say, with any precision, what it would be, and therefore no engagement could have been previously made. He could assure their lordships that no time had been lost. After the passing of the act, every effort had been made to appoint the commissioners, but he never knew an instance of so much difficulty in finding proper individuals to fill the situation. The act of parliament allowed superannuations; and some individuals, before they accepted the appointment, stipulated for that advantage after a period of service so short, that nothing could have induced him to approve the agreement, but the difficulty of finding persons calculated to execute the duties of the situation. From what had been said, their lordships would perceive, that no time had been lost in appointing the commission; and he could assure them, that none would be lost in carrying the act fully into execution.

The Marquis of *Lansdowne* insisted that ministers ought to have proceeded sooner to the appointment of the commissioners, as they must have been aware that parliament would not have refused to sanction the treaty. There was no difficulty with regard to the salaries, for there were hundreds of instances in which ministers had made eventual engagements on an understanding of what a salary was to be. In many cases of the commissions, the names of the commissioners and their salaries were well known before the bill for appointing them was introduced into parliament.

The motion was then agreed to.

HOUSE OF COMMONS.

Friday, February 19.

Insolvent Debtors Bill.] Mr. *Hart Davis*, in presenting a Petition which he stated to be numerously signed by the merchants, manufacturers, and traders of Bristol, against the Insolvent Debtors act, took occasion to state his objections to this law. The oppression of the Poor laws upon the lower order of traders, was not, he was assured, by any means so much complained of, as the grievances resulting from the operation of this law. There was no doubt, that the principle of the law existing previous to the enactment of the law alluded to by the petitioners was extremely objectionable, inasmuch as it enabled creditors to confine debtors according to their will. But then it was to be recollected, that the operation of this principle was mitigated by occasional insolvent acts. With the statement of a worthy alderman (Waithman) on a former evening, as to the consequences of the law complained of by the petitioners, he had every reason to concur, and he hoped, that as those consequences were so universally complained of, his majesty's government would feel the propriety of taking up the subject. It was, indeed, strongly desired by all men in trade, that this objectionable law should be allowed to expire: and upon that event the House might proceed to consider what amendments might be made in the old law of the land, with a view to the due security of the honest creditor, and the relief of the unfortunate debtor.

Mr. *Protheroe* thought the House must feel itself bound to take up this subject from the strong and universal objection prevailing, especially among the trading community, against the law alluded to by the petitioners. Even the smaller tradesmen, who were themselves liable to be under the necessity of an appeal to this law, expressed their objection to its principle, while the generality of those, who had taken the benefit of it, were found actually to laugh at a law, which, instead of obliging them to make any appeal to the mercy of their creditors, enabled them to set those creditors at defiance. This law had, in fact, the effect of encouraging debtors to embark in desperate enterprizes; for instead of proposing any composition, or giving up their property to their creditors, when they were on the point of insolvency, as was the case in many instances prior to the enactment of this law, debtors now too generally determined to take another plunge, consoling themselves with the idea, that whatever the event, they could "take the benefit of the act," as the phrase was. There was, he understood, some feeling of reverence for this law, in consequence of the support which it received from sir Samuel Romilly, who was deservedly the

object of universal respect and regard. But with all due deference to the character of sir Samuel, it was to be remembered, that he was the advocate of every humane proposition. Indeed, that good man seemed rather to have a leaning or prejudice on the side of humanity; for "E'en his failings leaned to virtue's side." But with every consideration that humanity might urge in favour of the debtor, some attention was surely due to the first claims of the creditor. That attention did not appear in the law under discussion, and therefore he concurred in the propriety of the complaint prevailing against it. That law was, indeed, so universally objected to, that he was assured no bill founded upon the same bases, would give any satisfaction to the trading community. He was one of the committee who inquired into the consequences of this law in a former session, and he had no hesitation in saying, that he would, in common with, he believed, all the trading part of the public, much rather prefer the abolition of the system of imprisonment for debt altogether, than the continuance of this law.

Mr. Alderman *Waithman* said, that he should reserve for another opportunity the full delivery of his sentiments upon this subject. He rose on this occasion to corroborate the statement of the two gentlemen who had just addressed the House, namely, that the feeling was strong and universal against the existence of the law alluded to. That feeling was indeed quite just; for it was notorious that this law gave birth to an extravagant spirit of adventure and gambling, and encouraged practices utterly inconsistent with the just principles of trade. In order that every information should be laid before the House that could serve to guide its judgment, and to meet the observation made on a former evening as to the effects of the law existing previous to the present act, he stated his intention to move, after the present motion was disposed of, for a return of the names of all persons committed for debt within the last twenty years, distinguishing those who had compromised with their creditors, and also those who had been released by the existing or any previous Insolvent act.

Mr. Alderman *Wood* rose to state what he deemed a sufficient reason to call for the repeal or amendment of the existing law. By this law it was held out that creditors should have a claim upon any property acquired by the insolvent after his liberation, but yet it was determined in a recent case, by the president of the insolvent court, that the law did not enable him to issue any process for the recovery of money in the hands of the Bank of England. Thus the promise held out by this law was perfectly delusive.

Mr. *Abercromby* animadverted upon the manner in which a grave question of great importance was thus forced into discussion. There was, indeed, every reason to complain of the mode in which this subject was treated by those who concurred with the present petitioners. Their cry was for a total repeal of the existing law, without proposing any substitute whatever —without even suggesting any remedy for that which was the oldest evil in the former law of the country. That the old law was an evil not only inconsistent with justice, but revolting to humanity, was, indeed, testified by every respectable commentator upon our law, as well as by every politician, philanthropist and philosopher who had written or spoken upon the subject. It was in consequence of this general and just impression that a learned lord, who had been lord chancellor of Ireland, and who held the highest rank in his profession, proposed the enactment of the present law. That this law had produced great good could not be consistently denied; but yet, that no defects belonged to it he was not prepared to assert. But it was remarkable, that upon referring the petitions presented to the House last session against this law to the consideration of a committee, the petitioners themselves were found to be ignorant of the nature and character of the law of which they so clamorously complained, and possibly such would appear to be pretty much the case upon any inquiry that might be instituted with regard to similar petitions hereafter. He trusted, however, that the House would know how to appreciate the statements of those gentlemen who spoke of general alarm as to the existing law, without mentioning, or even hinting, what system they would prefer; for he presumed that no considerate being would recommend the revival of that unprincipled, unjust, inhuman system, which preceded the law of which those petitioners so angrily complained. In admitting the defects of the present law, the hon. and learned gentleman expressed his satisfaction to

learn, that his learned friend, the attorney-general, had turned his attention to the subject, and that he who was so competent, had it in contemplation to propose an improvement of the system. Adverting to the language of the worthy alderman (Waithman), he declared himself astonished to hear from him an opinion, that the present law, by giving facility to the release of debtors, gave an extraordinary facility for the attainment of credit; for, judging according to obvious probability, a consequence directly the reverse was to be expected; for tradesmen, finding that debtors could obtain their release with so much facility, would naturally be more cautious about granting credit. The hon. and learned gentleman concluded with deprecating the clamour that had been excited against this much calumniated law, and particularly the consequences which must result from reverting to the old and universally reprobated system, which that law so very justly superseded.

Mr. Alderman *Waithman* denied that he had said that the facility with which debtors could obtain their release would serve to give additional facility to credit; for he knew that the very contrary must be the result—and that formed one of his strongest objections to the existing law. Every man acquainted with trade must know the value of credit. How many of the most eminent merchants were originally clerks, and how could they have raised themselves if it were not for the credit they obtained? This law was, however, not only injurious to credit, but destructive of the whole morality of trade. He vindicated the humanity of men in trade, when honest but unfortunate debtors appealed to their mercy. He disclaimed any intention to encourage improvident credit, but it was notoriously impossible to carry on trade without credit, and his main objection to this law was, that it encouraged debtors to engage in wild enterprize and improvident speculation—to go on, indeed, in spending, until no property remained to satisfy their creditors. Hence, it appeared, that debtors for seven or eight millions of money had been discharged by the insolvent court, without giving more than one farthing in the pound to their creditors. On those grounds he complained of the law under consideration, for which, however, he did not feel himself bound to propose any substitute, as the hon. and learned gentleman required; but still he would be ready to give any assistance in his power in framing such a measure, as should at once secure relief to the unfortunate debtor, and give due protection to the property of the honest trader.

Mr. *R. Gordon* wished for the indulgence of the House while he offered a very few words in favour of the unfortunate debtor. Notwithstanding all the bitter invectives which had been dealt out against this description of men, he should think it his duty to support the measure whenever it came before the House. The pressure of the times had rendered such a bill requisite and salutary, and if the united wisdom of parliament had sanctioned it, all the clamours which were industriously excited against it would not avail. It was a bill of relief from the implacable avarice and unrelenting rapacity of some creditors, who would never be contented but by the total ruin of their unfortunate victim. He approved, as much as any man, of the efforts of honest industry; but if a person, from the spirit of adventure and laudable ambition, became unfortunate, was it fair that he should be stigmatised and driven as an outcast from society? The bill afforded that commendable relief which with some gentlemen constituted this topic of reproach. The worthy alderman, in order to render the measure unpopular, had repeated his favourite remark, that between eight and nine millions of property had been sacrificed by the operations of the bill, without producing one farthing of dividend in the pound. With all due deference to the worthy alderman's ideas of the morality of trade, he was convinced the public had derived great good from its operations, even admitting the truth of the worthy alderman's calculation. It had been the means of relieving many very honest, although unfortunate individuals, and had restored them to society. But he would ask the hon. alderman, if he believed that more of the property alluded to would have been recovered, had the present bill never been passed? The grand morality of trade, according to the hon. member's doctrine, was ready money and no credit. Although he had found it incumbent upon him to say thus much in favour of the unfortunate debtor, he was, however, by no means friendly to the dishonest adventurer. The present law was, in fact, very much misunderstood, especially through the clamour excited against it,

in London, Bristol, and other places, where men of limited views undertook to judge of the subject.

The petition was ordered to lie on the table. Mr. Alderman Waithman then moved for the names of all those who had been imprisoned, and afterwards taken the benefit of any insolvent act, from the 31st Dec. 1797, to the 31st Dec. 1818. He, however, withdrew his motion, with an intention to bring it forward again on some future day.

Grand Jury Presentments—Committee appointed.] Mr. *Dawson* rose, pursuant to notice, to move, "That a Committee be appointed to take into consideration the act passed in the last session, for the regulation of Grand Juries in Ireland, and the state of the present law regulating the office of constable in Ireland, and to report their observations thereupon to the House." As he understood that no opposition was to be offered to his motion, he should trouble the House with but few observations. He should go into the committee with every disposition to preserve the principle of the act, and was only desirous of amending its details as much as might be done. He wished the power of grand juries, with respect to appointing eight constables for each barony were altered, that number being too large for some, and insufficient for others.

Sir *J. Newport* said, that one of the most glaring defects of the grand jury system was, the inequality of the surveys, and thought that if the inquiry did not comprehend that topic, it would be inadequate.

Sir *H. Parnell* would not give any opposition to the appointment of the committee, after the explanation the hon. member had made of his object, and that he was desirous of preserving the essential principle of the last act. Of the value of that principle, little doubt could exist. Few could question the utility of a rigorous investigation of all applications to a grand jury for grants of money, and the examination of them by the magistrates at quarter sessions, where the parties were on oath. He was willing, however, to join in any effort for amending the minor provisions, as the principle was to be adhered to.

Sir *George Hill*, with every disposition to enter the proposed committee, faithfully to discharge his duty, would not still be bound by any of the implied conditions laid down by the hon. baronet who had just spoken. With regard to that principle of the grand jury bill, which required, that all grants of county money should be accounted for in the most public manner, it had his full and entire approbation. But as the proposed committee would, in all probability, have to extend its sittings to a late period of the session, in consequence of the detail into which they would be obliged to enter, he then begged leave to give notice, that, on Monday, he should move for leave to bring in a temporary bill, enabling grand juries at the ensuing spring assizes to provide for the public works and repairs, which would be then in hand, according to the old and established usage previous to the act of last session. Three committees had been already appointed, to which the grand jury laws were submitted; and yet, so inefficient was the bill of the last session found to be, as not to have been acted upon since it passed the legislature. If the grand juries were not allowed sufficient funds, for the purpose of continuing the various repairs then going forward, the general improvement of Ireland would not only be impeded, but prevented. For the last seventy or eighty years, Ireland had materially improved, even under the direction and influence of those grand jury laws, so much reviled—laws which had obtained the sanction of many, if not of the great majority of the gentlemen of that country. If the grand juries were denied the means of repairing the public roads, the agricultural and manufacturing interests would be ruined; yes, ruined and destroyed. The various modes of laying on the cess in different counties, rendered it doubly necessary to re-invest the Irish grand juries with that power, from which had been derived, for years, much benefit to the country. The proposed committee should have every advantage his experience could afford them, or his industry supply; and he begged to state his fixed determination, when entering the committee, to use his best endeavours for the promotion of that object, which they would be called upon seriously and impartially to investigate. He called upon the House, in the name of all the various interests of Ireland, not to oppose the temporary bill he should speedily have the honour of submitting for their approval; as its only object would be, to further the general

improvement of that country, whose interests he hoped would always be fairly attended to by parliament.

Mr. *Becher* could not see that any necessity existed for the introduction of such a measure as that just proposed by the right hon. baronet. Defects, no doubt existed in the bill of the last session; but they were defects only existing in the machinery, and not in the principle. The next assizes, he thought, was likely to afford a fair opportunity for the trial of its merits and defects; but, certainly, one-half the jobs that had hitherto existed in Ireland, arose in consequence of the want of some bill containing a principle which would imperatively require that all public disbursements of county money should be publicly accounted for in open court. Such a principle was to be found in the bill of the last session; and, with all its other defects, he could not but think it superior to any previously existing law for the regulation of grand juries. The hon. gentleman in conclusion stated that he should oppose the intended measure of the vice treasurer of Ireland.

Mr. *Vesey Fitzgerald* commenced by stating his acquiescence in the appointment of a committee. The principle of the bill of last session, he understood, they did not mean to touch: and he was only therefore sorry at what had fallen from the right hon. baronet below him. If any hostility were intended against the principle of that bill, he should oppose the appointment of a committee, because, except for the purpose of improving its details and rendering its machinery more practically operative, he saw no other necessity for the appointment. His right hon. friend below him had, more elaborately than usual, related to the House, the ruin and destruction that would inevitably fall in Ireland, if any delay took place in empowering grand juries to levy money in their old and usual way. But such a picture he could not help thinking overcharged. He had also told them, that the act of last session was never put into operation, and yet he complained of its defects before it had been tried. That defects existed in it was not denied; but why not allow some time for a rational trial of those defects? The public roads in Ireland were repaired at so enormous an expense, in some places as 100*l.* per mile; and the right hon. baronet must be perfectly well aware, that the mischiefs likely to be produced by a short delay in the operation of the last act were not at all, in point of fact, as he had thought proper to describe them. Rumours had been circulated throughout Ireland that the act of the last session would be suspended or repealed; considerable anxiety was therefore the natural result, especially on the part of those who had already acted upon that bill, and hoped the most happy consequences from its amended continuance. These rumours it behoved the House to settle, and not suffer the public fermentation to continue any longer on the subject. The right hon. baronet had told the House, that the bill of the last session had never yet been acted on, while, no later than that very morning, he had received letters from various parts of Ireland, mentioning the reverse, and not only the reverse, but the fact of its being acted upon with considerable advantage. One of his correspondents was a noble lord, high in office in the king's county, who used his best endeavours with his brother magistrates to give the law a trial and whose prejudices once conquered, induced them to join most zealously with the noble lord in pushing the act into useful operation. An interested party had raised a clamour against the bill, because it required publicity to the accounts for the disbursements of public money, and afforded no screen to the improper conduct of a portion of the magistracy, who should never have been allowed to hold so important a situation. The poorer people in Ireland, the farmers and landholders hailed the act as a great and unexpected blessing. The old law they only knew in the inflictions of the tax; while the new law enabled them not only to ascertain precisely their quantum of taxation, but the purposes for which it was applied. His right hon. friend had then no right to characterise the act of the last session, as hasty, imperfect and impracticable. Some arrangements were no doubt necessary as to the qualification of those magistrates who should attend at quarter sessions; but that, together with other details, were better fitted for the consideration of a committee, than the members who were then assembled. The magistracy of Ireland had been often complained of; and he regretted to say, that in times, when domestic discord affected the public peace, it became necessary to appoint a description of persons to the magistracy, who, in better times, would not have been appointed to such

a dignity. One of the worst evils afflicting Ireland existed in the appointment of subordinate persons to the magisterial office, and he could not too often repeat his regret, that a reform had not been long since attempted in many who still held the commission of the peace. Partiality, and worse, too often characterised their conduct; and if the grand jury bill of last session made certain qualifications necessary in those persons, who were to become the judges and administrators of public justice, he thought that such a fact could not be brought in charge against those persons, who felt the existing evil, and wished, if possible to have it remedied. In the happier law of England there was a resident proprietary to protect the poor and sit on the bench in the administration of justice; but those were blessings almost wholly unknown to Ireland. Justice was dignified by the presence of upright magistrates; and dignity obtained increased respect, when honesty and property were found to be the presidents in every court to which the poor were in the habit of looking for relief. The hon. gentleman concluded by observing, that no great reformation was ever yet obtained, without something like a proportionate price being paid for it. The House, he trusted, would give the act of the last session a fair trial; and wait until experience should suggest improvements, before they destined it to inactivity or repeal. Above all things, he conjured the members to discourage every hope of the abandonment of the principles of that act. His object would be, while he admitted many of its defects, to render it as effectual as possible; never, however, losing sight of those principles that had been approved by all.

Sir *George Hill* explained. In the session before last, when this measure was proposed by his right hon. friend, he had given it all the opposition in his power. When it had been brought forward again last session, he certainly did go into the select committee; but as he had attended the committee for only an hour and a half, he did not think himself responsible for the act of last year.

Mr. *Abercromby* did not intend to offer any opposition to the motion. His sentiments accorded with those of the right hon. gentleman who had spoken last. He wished the House to recollect, that the committee had considered only the general principles of the law; but there were many practical points which those who were immediately concerned were best qualified to judge of. He would suggest to the hon. mover, whether he had not occasioned an obstacle to his own object, by omitting the words "with reference to the more effectual execution of the same." If the right hon. baronet persisted in his intention of bringing in a bill, such as he had mentioned, he should think it his duty to give it all the opposition in his power.

Sir *G. Hill*, in explanation, denied that he wished to return to the old law, by getting rid of the present act, although he could not shut his eyes to the inconveniencies of it.

Lord *Jocelyn* said, he was anxious to go into a committee. He did not oppose the principle of the bill; he only wished to get rid of its defects. He did not wish to see any public works presented for before a strict investigation was had into the absolute necessity of such works. His right hon. friend had said, that he had received many letters from Ireland, stating the great public benefits that resulted from the bill. He, too, had received letters from that country, and these letters stated the direct contrary. It appeared to him that the people of Ireland had much reason to complain of the measure. What was their situation since the bill had passed into a law? When that bill was passing through the House, their hopes were raised—they heard of the many advantages it would give to the country; but he was sorry to say that those hopes were blasted, and that instead of deriving advantages from the bill, they found it a lame and inefficient measure. It was introduced into the House avowedly for the purpose of remedying the deficiencies of the grand jury laws: it was intended to purify the administration of those laws, and was cried up as a measure, of such vast importance, that the Speaker at the bar of the House of Lords had eulogized it as a measure highly beneficial to the country. Now, he would ask, what were the advantages that were felt from the operation of the law—how did it work with the country? The first proceeding of the succeeding session was a motion for its suspension. He would say, notwithstanding the many severe observations that had been made, that the old system had been one under which the country had derived many and great advantages. On a former occasion,

he had stated that the bill would be found inadequate. That it was so, was clearly established by the forcible but temperate petitions from Londonderry and Mayo, signed as they were by a great many most respectable gentlemen of those counties; and he would not hesitate to state, notwithstanding the aspersions that had been thrown upon them, that, taking the magistrates in Ireland as a body, there were not to be found men who entertained more honest and conscientious opinions.

Sir *John Newport* said, that he did not find that there was any opposition to the appointment of a committee. In that committee, he hoped to see the principle of the bill strictly preserved; for he would not hesitate to express his decided conviction, that if the principle of the law were abandoned, it would work irreparable injury to Ireland. He had heard the system which this bill had subverted praised in the House; but he did not hesitate to say, that that system was pregnant with much mischief, and that it operated to the injury of Ireland. He thought it was rather hard, before the measure had had a fair trial, to suggest difficulties that had not occurred, and to anticipate effects that had not followed it. It had, indeed, been stated, that some difficulties had occurred in some counties. In answer to this, he could assert, that in many other counties no difficulties whatever lay in the way of the bill, and that it operated beneficially for the public interests. The House should bear in mind, that the bill was introduced on no ordinary grounds: it had been recommended by the necessity of the case: the plan was submitted to the consideration of a committee of the House, and no committee that had ever sat upon a public question had bestowed more pains or more attention or were more anxious to come to a fair, practical, and wise decision. The measure proposed by the right hon. baronet was a temporary bill, to suspend the operation of the present act. It was not difficult for the House to see the mischief that such a measure would create. In the first place, those who had placed faith upon the security of the law, would now be obliged to turn back to the old odious system. He could not contemplate such a measure without alarm, and he was not a little surprised to see that the ministers of the crown had given no opinion whatever; the more particularly as it must be fresh in the minds of many members in the House, that in the last parliament he had distinctly stated the great extent of the evils which grew out of the old system, and ministers as distinctly stated, that some steps should be adopted to remove them. He conceived that ministers were bound to support the present law, sanctioned as it was by the labours of a committee; called for as it had been by the circumstances of the country; and introduced as it was by persons connected with the administration. He would deplore the recurrence to the old system as a great public misfortune: it would give encouragement to those who had profited by it, and it would blast those hopes that Ireland entertained of the benefits to be derived from the existing law.

The motion was then agreed to; and a committee appointed.

Claims of British Subjects on France.] Lord *Castlereagh* said, that although the notice which he had given comprehended the arrangements which had lately been entered into with respect to the Slave trade, as well as to the Claims of British Subjects on the French government, the motion with which he should conclude related only to one branch of the papers on the table. As he thought he had collected from gentlemen opposite, that they were not ready to enter into the discussion of the other branch of the motion of which he gave notice, and as he was always happy to oblige the right hon. gentleman (Mr. Tierney) whenever he could with convenience to the public service, he should not now say one word on any subject but that of the British claims, unless he was called on by the House. If any information should be wished for by any hon. member respecting any of the measures connected with the papers on the table, he should be happy to give it to him. He intended now merely to ask for leave to bring in a bill, with a view to carry into complete execution the engagements entered into with the French government for the indemnification of British subjects having claims on that government.—The noble lord then proceeded to state the circumstances which led to the recent convention with France with respect to those claims. In 1815, the French government undertook to liquidate the claims of British subjects on them, at a time when there was not so great a charge on the funds of that

country. A capital sum of between 50 and 60 millions of French livres had been paid by the French government into the hands of the commissioners appointed by the respective governments, towards the liquidation of these claims. The commissioners appointed to examine and settle the claims had liquidated them to a considerable extent, and made considerable payments, between the time of their appointment and April 1818. The French government had agreed to place three millions and a half of livres of rentes, equal to about 70 millions of capital, at the disposal of the commissioners, to be applied by them in liquidation of the claims; and, as he had already stated, between 50 and 60 millions had been paid over by that government to the commissioners, to be applied by them towards the liquidation of those claims of which they approved. The commissioners had, in the discharge of their duty, examined and decided on a number of claims; but there were, in April last, a considerable number of unexamined claims. He did not allude particularly to British claims alone, but to the claims of subjects of all the other powers of Europe. It was calculated that it would require, to meet these claims, from 30 to 40 millions sterling. This sum would have been necessary to meet what were considered to be well established claims; but it was evident that, supposing the commissioners to proceed with the utmost diligence, they could not get through these claims before the lapse of a very long period. It was impossible to say how many years might elapse before they could examine into the claims of the subjects of all the different powers of Europe. If they were to form a judgment of the time that would be taken in going through all of them, by the time which had been occupied in those which they had already examined, it was evident that several years must elapse before they could get through the examination of the British claims. Under these circumstances it had appeared to the British government, as well as to other governments, acting as guardians of their own subjects, that it would be of extreme importance to the interests of all parties, as well as for the general interest of Europe, if this interminable liquidation, which was going on at Paris, were transferred to the different governments; and that a sum were paid them at once in full of all demands on France, to be distributed by each government among the claimants who were its own subjects. It was wished to settle the open account which would be going on several years before winding up the transactions between the allied governments and France, and to obtain a definite sum at once, not only for the claims of the different governments, but also for those of private creditors. The House must be aware, that there could not well be a more complicated question than that which was then trying between the French government and the different claims, as these claims rested on principles so very different from each other. The affair was, however, brought to a conclusion sooner than could reasonably have been expected; and he had not heard of one objection against the arrangement, either from any of the governments or any of the private parties. He was, at the same time, bound to state, that it would have been difficult to have brought these complicated questions so soon to a settlement, had not an individual, in whom all Europe reposed the utmost confidence (the duke of Wellington), undertaken the settlement of the business. That individual did take the complete transaction out of the hands of the different governments; he was invited by the French government and the others to mediate between the French government and the different claimants on it, and to adjust the conflicting interests. After making himself master of this intricate subject, and examining into the nature of the claims, and judging of the probable amount to which they would extend, after undergoing the necessary purification, he pronounced an opinion in the business, agreeably to which the French government and their claimants came to a general settlement. It was settled that the French government should pay a sum of from 12 to 15 millions sterling, in addition to the 700 millions of livres which it had to discharge to the different governments. It was thought that it was much better to settle this complicated affair at once, than to endanger the repose of Europe by leaving it open. A specific sum was therefore agreed on to be given by France to each government, for the purpose of being applied in extinction of the claims of its own subjects on France; so that instead of any litigation between the government of France and the subjects of different countries, the whole might be an affair of arrangement between each government and its

own subjects. In execution of this principle we had two separate conventions. One of them was a convention with respect to the claims of British subjects arising out of the treaty of commerce in 1786, the treaty of Amiens, and the stipulations of the treaty of 1814. There was another, which we had in common with other powers, with respect to the claims of individuals in those countries, which had formerly belonged to or been in the possession of France. In this way, the inhabitants of St. Lucie, the Mauritius, and the Ionian islands, had come under the protection of this country. He had stated that three millions and a half of rentes, equal to 70 millions of capital, were to be transferred to the commissioners by the French government, as a deposit that should be reinforced when necessary for meeting any demands that should be examined and established. Between 50 and 60 millions of these 70 millions had been applied in liquidation of settled claims. This was the result of the matter, when the business came to be the subject of negotiation. The result of the negotiation was, that the French government should reinforce this sum of 70 millions of capital with three millions and a half of rentes in addition, making in all a capital of 140 millions, rather more than six millions sterling, to be paid by the French government, in satisfaction of all the claims of British creditors.—He now came forward to parliament, calling upon it to enable government to make the distribution of this sum. It was fair to put all the British claimants on an equal footing. But, from the compromise which had taken place, this sum might not go to the full extent of the claims; and therefore the remaining claimants might not ultimately be on an equal footing with those who had had their claims settled. However, as the object of the negotiation was, to arrive at as much as could be got, and as no more could be got, it was proper to secure to the remaining claimants an equality of payment. The sum received would be distributed on the principle followed with respect to the sum received for the American loyalists, and the Carnatic creditors. By the provisions of the bill, as rapidly as the claims were examined and settled, a dividend would be paid to the parties on their claims, and, on the final adjustment, the remaining sum would be divided equally among them.—He had two observations to make on the subject of those claims. In 1815, the House had approved of a sacrifice, on the part of the public, of their claims on the French government, for the sake of their private claims. It was covenanted in the convention of 1815, that so soon as the French government liquidated the claims of British creditors, they should be released from any claims this government might have on them on this account, respecting the maintenance of prisoners of war between the two countries, on which there was a presumable balance due to this country. In this convention, the claims of the government were sacrificed to those private claims, because it was felt, that the subject of prisoners was one which was mixed up with so many different principles, that it was one of most difficult adjustment. It was questionable, whether the Hanoverians, and other foreign soldiers in our pay, were to be considered as British troops, a subject which it would have been extremely difficult to adjudge. The British claims on France for prisoners of war was so immense, and the account of the transaction so involved by the difficulty of determining whether the subjects of different nations who fought in the cause of France, and were captured by us, were to be considered as French prisoners, that it was thought better to adopt one uniform principle for settling the point in dispute, than to enter into the details of particular cases. The principle of the treaty of 1814 was therefore adopted, which accepted as an indemnity for the sums due by the French government to the government of this country, the payment of debts due by the French government to the subjects of Great Britain. In this manner, about 6,000,000*l.* sterling had been secured to British private claimants, which they would not otherwise have obtained from the French government; for, with regard to the success of those individuals in prosecuting their claims on a foreign government which had disallowed them without the aid or countenance of their own, there could be little doubt. Now, when he was on this subject, he could not let the opportunity slip, without endeavouring to impress on the minds of the House the difference between the circumstances of those whose claims this convention was intended to satisfy, and those who now should voluntarily embark their money in foreign funds: and the different conduct which the government

would feel itself compelled to observe, if that property should be endangered. He was bound to warn the public, that the present relief was granted to the claimants on the French government, because they had incurred their losses on the faith of conventions between the two nations; and that no similar support would be afforded to those who voluntarily lent their money to a foreign government at their own risk, and with their own views of profit. In this latter case, persons ought to know that they had no other security for repayment than the good faith and ability of the country to which they made the loan; and that this government would neither stake its credit, or endanger its tranquillity, for the purpose of procuring them indemnity should they find that they hazarded their property on an insufficient guarantee. They should only look to the honesty and solvency of the state that borrowed, and not to the power or to the generosity of their own country for their expected returns. The claims now liquidated by the commissioners, and proposed to be settled by the bill which he proposed to introduce, depended for their validity on the articles of the treaty of Commerce with France, made in 1786. That treaty stipulated the interposition of the British government for debts due by the French government to the subjects of this country. In 1793 a great mass of British property was confiscated by the then government of France, which property, of course, was covered by the convention of 1786. At the peace of Amiens, in 1802, the principle of the original treaty was confirmed. Thus, the foundation of the claim was laid in the treaty of 1786, and consolidated by that of 1802. At the peace of Paris in 1814, the same principle was recognized, as it was thought but just to countenance those by national interference, who risked their property on the national faith. The details of the settlement had proceeded but a small way at the return of Buonaparté, in 1815, though the principle had been admitted the year before. On the second restoration of the Bourbons, the subject was again resumed, and the settlement of the claims put into such a train, that in April, 1818, the commissioners were enabled to bring it to a satisfactory conclusion, and to present the present result. We had thus obtained for the subjects of this country an adjudication of certain definite claims, in lieu of uncertain indefinite demands of this government on that of France. The noble lord concluded by moving "That leave be given to bring in a bill to enable certain Commissioners fully to carry into effect several Conventions for liquidating claims of British subjects and others, against the government of France."

Mr. *Tierney* gave credit to the noble lord for his exertions in bringing this business to so satisfactory a conclusion. Nobody could have conducted himself with more zeal and ability than the noble lord had done. It was owing to the judicious mode adopted of settling these claims, that each individual interested, instead of having to deal with the French government, had to apply to British authority. With regard to any interest he (Mr. T.) had in this transaction, he was perfectly satisfied; but there was a certain class of claimants who did not stand in the same favourable situation, and whose case therefore, he wished to be considered. He alluded to those who had not given in notice of their claims in time to be examined, and who were, therefore, precluded from the benefits of the convention. If he were asked, whether he thought that these individuals had a legal title to redress, he would say no: but he would recommend their case to a favourable consideration, provided any surplus remained after defraying liquidated claims. He knew one case of this description which involved great hardship. A claim had been ordered by a creditor of this country to be made within the specified time, but, through gross neglect or forgetfulness, the agent had not presented it. It would be cruel, therefore, that this individual should suffer the loss of a just right, from the carelessness of another in advancing his demand. He begged, therefore, to know if the noble lord would allow the application of any surplus for the relief of cases like this. There was another subject connected with the conventions on the table, on which he wished to put a question. By these conventions we had instalments of contributions for five years, while our troops had only continued in France three; and he wished to know how the sum thus placed in the hands of government was disposed of.

Lord *Castlereagh* said, he went along with the right hon. gentleman in thinking, that if there should be any surplus, those claimants to whom he had alluded should

be added to the others, and that a reversionary interest should be secured to them. With respect to the latter question, he would state how the matter stood. The House were aware that only three years were completed of the period of the occupation. It would be doing injustice to the French government were he not to state, that if it had not come forward with the utmost fairness and candour, it would not have been possible to have settled so many complicated questions with the French government as necessarily arose between it and the allies, on the withdrawing of the armies from France. The House were aware of the alteration of the arrangement which had taken place. It was agreed to pay in nine months the whole sums which, by the treaty, would have become due in two years. In consideration of accelerating the payment of these sums, an allowance of discount was made for prompt payment. On consulting with that intelligent person, Mr. Baring, the period of nine months was agreed on, and an arrangement to that effect was entered into with the French government. But very soon after, from the effect produced in the money market by this arrangement, a modification of it was found necessary. All the governments felt a common interest in the transaction, and the arrangements had been adopted by common consent. The treaty of November fixed the nine months for the payment of the contributions;—the arrangement of December prolonged that term to two years and three months; but at the end of the two years the allied governments were to put the securities in circulation, so that the term of the payment was brought to the end of the five years during which the occupation of France was originally to have continued. As the allied governments had agreed to relax the period of payment, the French government had cheerfully agreed to pay interest at the rate of 5 per cent; so that, while the French government had been accommodated, no sacrifice of value had been made. The application of the sum to which this country would be entitled, had been already often discussed. That sum, it had been already stated, would be found adequate to cover the extraordinary expenses of the army of occupation (over and above the sum allowed for its maintenance by the French government), and also to pay to the government of the Netherlands two millions, to which they were entitled by a convention. With respect to the payment of the contributions in question, the sums which had become due had been made good.

Mr. *Tierney* said, he understood perfectly well the explanation of the noble lord. Of the sums to be paid to this country by France, and now in the course of payment, two millions were to be applied, not to the purposes of this country, but to build fortifications in the Netherlands. So that when France granted what was called an indemnity to this country, it was in effect an indemnity to Holland. He thanked the noble lord for being thus explicit; he did not wish to prolong the conversation, but it would be for him to consider whether he should submit any proposition to the House on the subject.

Lord *Castlereagh* expressed his surprise at the shortness of the right hon. gentleman's memory, as this was by no means the first time that the convention between the Netherlands and this country had been brought under the view of the House. If the right hon. gentleman would turn to the treaties laid before the House in 1815, he would find the convention with the Netherlands, which he had alluded to; and he would find also that the sum was not paid to the Netherlands without an equivalent, as very considerable colonial cessions had been made to us by that kingdom. The government of the Netherlands had also engaged to expend a sum equal to that which we had ceded, in strengthening the fortresses of its frontier. It had then also been explained, that the contribution paid by France, would defray not only this charge, but also the additional expenses of the army of occupation, which arose from this circumstance, that the sums allowed for the maintenance of the army of occupation, was calculated on the standard of the expense of a German army. The expense of a British army being much greater, the sum allowed for the maintenance of it became deficient, and that deficiency was to be supplied out of the contribution. The right hon. gentleman at the time had contended, that the occupation of France, even taking into account the contribution, would be a loss to this country; and now after three years he complained that the indemnity was not a source of gain.

Mr. *Tierney* said, he had formerly contended, that if the occupation of France had continued during the five years, the

indemnity, as it was called, would have been barely sufficient for the support of the army. But as to the payment to be made out of this indemnity to the Netherlands, he had been ignorant of it till a question was put on the subject by Mr. Warre in the last parliament, when indeed the noble lord had told them what he had now repeated; on which he (Mr. T.) had remarked, that the colonies for which we were to pay two millions were the dearest colonies that had ever been purchased.

Lord *Castlereagh* re-asserted, that the payment to be made to the Netherlands was distinctly pointed out in the treaty which had been three years ago approved of by parliament.

Mr. *Philips* called the attention of the noble lord to the case of those individuals whose claims, by the treachery or neglect of their French agents, had not been sent in to the commissioners at Paris. He trusted they would not be precluded from obtaining justice.

Mr. *W. Smith* said, that great credit was due to those who had displayed so much skill and industry in obtaining justice for the claimants on the French government. He agreed in the principle which had been laid down by the noble lord, that the House should be anxious not to form a precedent which might induce persons to vest money in foreign funds, in the hope, that in the event of war, their claims would be protected by this country. But there was another set of claims to which the same general principle was not applicable. He meant those of a commercial nature. The two cases were entirely different—in the one, the individuals vesting their money in the foreign funds, were engaged in transactions which were solely advantageous to themselves; in the other, the individuals, while consulting their own interest, were pursuing what was acknowledged to be the general interest of the community. He thought it also an unquestionable duty of the government to protect the interest of any individuals, or body of individuals, who had sacrificed themselves in its defence. In this situation the American loyalists stood, who, he had always been of opinion, should not be neglected.

Mr. *Huskisson* said, he had been applied to by several of those commercial claimants who had been alluded to, and whose interests he thought had not been so well protected by the treaty as those of the fundholders, who were less entitled to protection. According to the terms of the treaty, it was necessary for those individuals, whose property had been sequestered in France in 1793 to prove, not only that their property had been so sequestered, but that it had been carried to the profit account of the French government; and secondly, that it had been so seized because the owners were British subjects. In the case of the fundholders this was easy of proof, but the commercial claimants were in very different circumstances. The acts of violence by which they suffered were various. Sometimes French merchants had been called upon to deliver up the property of British subjects to be exchanged for assignats, which, in the progress of depreciation, had become of no value. In other instances, the merchants who had British property had paid these depreciated assignats into the treasury in liquidation of the claims of the British subjects. Again as to the motives—it was difficult to prove, in that time of confusion, what were the motives which caused the seizure of any particular parcel of property. In some instances, commercial houses which held British property were put on the list of emigrants—a familiar mode of spoliation during what was emphatically called the reign of terror; the whole of that property thus becoming the property of the republic. Yet should it be said in such an instance that the claimant could have no redress, unless his property was seized expressly on the ground that it was the property of a British subject? It was evident, from the cases which he had enumerated, how many of the claims of those commercial claimants who were, on the principles which had been laid down, best entitled to consideration, would be defeated. He hoped his noble friend would take these cases into consideration, and at least, if the claimants were excluded by the strict letter of the treaty, yet if there was any surplus after the distribution, that they should be remembered. It so happened, that it would have been better for these individuals if there had been no treaty, and they had been left to prosecute their claims against their creditors in the ordinary way.

Sir *J. Newport* stated that cases of hardship such as had been described by the right hon. gentleman had also come to his knowledge. In instances in which the property of British merchants had been given in to the French government

under pain of death, and exchanged for assignats, while the maximum law was in force, the commissioners had decided, that the transaction by which the British merchant was stripped of his fortune, was to be considered as a contract. The merchants thus plundered, had, it was to be remembered, relied on the faith of the former treaty, which stipulated, that, in case of war, merchants should have a space of time allowed them to withdraw or dispose of their property.

Sir *T. Baring* hoped the money which was to be received from France would be not only fairly, but economically applied. He said this, because, in the case of the claims on America, the money received was allowed to lie for a long time idle in the Bank. He wished to know also how the commissioners were to be paid. The commissioners on the American claims received a salary of 1,500*l.* a year, but such a mode of payment formed an inducement for them to protract the business.

Lord *Castlereagh* said, that the sum was now in French *rentes*, the interest of which was accumulating, and care would be taken, as any portion was transferred to this country, that it should be vested in securities bearing interest. As to the commissioners, they would be paid out of the fund itself, as the claimants had readily consented to set apart one or two per cent to defray the expenses of the commission. With respect to the case mentioned by his right hon. friend, he had to observe, that the distribution of the money paid under the convention, was to be decided by the terms of that convention; the proper course for parliament to pursue was, to constitute a judicature, to which the business might be committed. The parliament itself, he thought, would act unwisely, to usurp the business of adjudication, as there were no places less fit for the decision on particular claims than the Houses of Parliament. That duty, he had no doubt, would be well performed by the commission, which it was to be observed, though well provided with legal ability, had never acted in difficult cases, without the advice of the law officers of the Crown. As to the cases of the commercial claimants, he allowed there was a difficulty, and it was one in which the public, as well as the claimants were interested. Not only had we claims on the French, but French subjects had claims on this country. During the war we had also sequestered the property of French subjects, not into the treasury, but in the hands of their agents, and a question had arisen whether the loss to the foreigners, in the case of the bankruptcy of the agents, should be made good by the government. The losses sustained by British subjects had often arisen, not from the direct violence, but from the incidental consequences of the measures of the French government; the sequestration which had taken place in 1793, had been repealed in 1794 or 5; and at that time the French debtors had paid the property of the British creditors into court (if he might so express it) in depreciated assignats. It became a question, how far the French government was answerable, not only for the direct, but the collateral consequences of its acts, on the dealings between its subjects and foreigners. These and other difficulties, he thought, would be most properly left to the judicature appointed to act under the convention.

Sir *J. Newport* explained, that the case he had alluded to was that of British subjects resident in France.

Sir *Robert Wilson* observed, that when the noble lord had laid the late treaties on the table, he had stated, that it was not his intention to bring them under the special consideration of the House; but that he was ready to afford every information respecting them. He should avail himself of this offer to put a short question, not with the design of renewing discussions as to a retrospective course of policy from which it was known he had always so strongly dissented, but with the object of removing the apprehensions which existed in this country, that notwithstanding we had withdrawn our army from the continent, we retained a political connexion of an unconstitutional nature; and of proving to the world that we were no longer disposed to invade those rights in others, which in our own case we should defend against all the world. In the declaration of the five Powers, dated Aix-la Chapelle, 15 Nov. 1818, were these words —"The object of this union is as simple as it is great and salutary. It does not tend to any new political combinations, to any change in the relations sanctioned by existing treaties. Calm and consistent in its proceedings, it has no other object than the maintenance of peace." If the period had ended here, it would have been intelligible; but it went on to say,—"And the guarantee of those transactions on which

the peace was founded and consolidated." He wished to know what were the transactions here guaranteed?

Lord *Castlereagh* replied, that the transactions were simply those treaties which had been approved and ratified by parliament—there were no others.

Sir *R. Wilson*, in explanation, observed that he was happy to receive such information; and confiding in the noble lord's assurance, he congratulated the House and the country on no obligations being contracted at variance with the laws of nations and the principles of the constitution.

The bill was ordered to be brought in.

Slave Trade.] Mr. *J. H. Smyth*, after a few observations, in the course of which he regretted the extent to which the Slave Trade still prevailed, notwithstanding the treaties concluded with foreign powers for its suppression, urged the necessity of taking immediate steps to carry those treaties into effect, and moved for "Copies of all Appointments of Commissioners to carry into execution the Treaties with Portugal, Spain, and the Netherlands, dated respectively the 28th July and 29th September 1817, and 4th May 1818, for the more complete Abolition of the African Slave Trade, and the dates of such appointments; and Copies of all Instructions to any of his majesty's ships sent to the coast of Africa, since these treaties were concluded, for the purpose of carrying the same into effect."

Lord *Castlereagh* had no objection to the motion, and admitted the importance of the subject. He also admitted that the delay which had taken place was sufficient to excite a presumption of negligence on the part of government. But the House must be aware that there were many difficulties to impede the execution of conventions of this kind. Hitherto, no instructions had been issued under these conventions to our cruisers to capture ships engaged in the Slave trade, and the reason was, that there was no tribunal before which such prizes could be brought, and it would be contrary to the laws of nations to make such captures before a tribunal was appointed. The first object therefore was, to constitute the tribunal by appointing the commissioners, for already there was a very considerable squadron fitted out and ready to sail for the coast of Africa, for the purpose of putting down the Slave trade under these conventions. That squadron only waited for the appointment of the commissioners who were to accompany them. The noble lord then detailed the difficulties which had been experienced in procuring persons qualified to act as commissioners who would accept that office. It was now, however, probable that proper persons would be appointed to act as commissioners, and as the squadron was completely fitted out, all the measures for carrying the conventions into effect, would be completed.

Sir *C. Robinson* said, that the utmost diligence had been employed; but the fact was, that no civilian could be found, who would accept the office. Application had then been made to several common lawyers, but none could be induced to undertake these duties. At last, it had been deemed expedient to nominate some attornies, who, though generally speaking not endowed with all the knowledge which persons of higher rank in the profession had, were yet, upon examination by sir W. Scott, deemed competent to execute the office of commissioners in this case.

Dr. *Phillimore* did not think that any extraordinary exertions had been made to fill up the appointments. If the civil law bar furnished no candidates for these offices, at least there might have been many found among the junior members of the common law. Of the Sierra Leone appointment he knew nothing personally, but he could say positively of his own knowledge that many civilians would have gladly accepted the Brazil's commission; one he knew who was perfectly qualified by a sixteen years standing in the profession, and who had not been able to succeed in his application for it. Nor was there any objection to the Havannah station except the smallness of the salary which was 1,500*l.* a year, with a retiring pension of 700*l.*; and a gentleman he knew would have taken it had the income been 2,000*l.* with a pension of 1,000*l.* on retirement; a sum not too large for persons who, having been regularly trained to a scientific profession, embarked in an arduous pursuit of this kind.

Lord *Castlereagh*, in explanation, said he had given the fullest instructions before he went abroad, and as soon as the act was in force; but he really had not thought of having commissioners, ready cut and dry, before the act was passed.

Mr. *Ellice* trusted that the most vigorous efforts would be made by ministers

in furtherance of the act already passed for the abolition of the infamous traffic in slaves. It was a lamentable fact, that at no period had the Slave trade prevailed with more disgusting eagerness than at present, and he was authorized in saying that not only Spanish and Portuguese, and American, but British merchants, were covertly engaged in it.

Mr. *Wilberforce* did not mean to impute delay to the noble lord opposite; but he could not help thinking, that less alacrity was shown in filling up those situations, than there would have been had they been in their nature more desirable. He could not, however, resist the temptation he felt to remind the House, that the delay of every day and every hour, was a source of dreadful misery to thousands of our fellow-creatures.

Captain *Grant* remarked, that the circumstance of an offer of 1,500*l.* a year, with a retiring pension of 700*l.* having been made by ministers to persons accepting the office of commissioners, was a sufficient refutation of the assertion made by the hon. member for Bramber, that the same alacrity was not manifested by his majesty's government in filling up these situations, as they had done in filling up other places.

Mr. *Wilberforce* assured the hon. member that he had not used the expression with the intention of conveying reproach to the members of his majesty's government.

Mr. *W. Smith* did not despair of seeing, in a very few years, a total extinction of this odious traffic. When he considered how many years had been necessary, even in this enlightened country, to make the parliament ripe for the abolition, and that even at last, in 1807, after twenty years of discussion, it required all the efforts of almost every member in that House, who had any title to the character of an orator or a statesman, to carry the act through the legislature, he could not be surprised that other countries, with less information on the subject, should not do in a few months what it has cost England so many years to do. He was pleased, however, to see that the sovereigns of Russia, Austria, and Prussia, entertained the most enlightened views on this matter, because in governments like theirs, much depended on the will of the sovereign. He trusted too, that the prejudices which, according to the memorial of the duke of Richelieu, still existed in France on this subject, would all give way before time and reason. And here he thought it his duty to express his thorough approbation of the zeal, sincerity, perseverance, and ability with which the noble lord opposite had conducted the negotiations on this subject at Aix-la-Chapelle. With such earnestness on the part of our government and such liberal views on the part of the principal continental powers, he did not despair of the final consummation of his hopes. A great principle declaratory of the abominable nature of the traffic, had already been universally proclaimed; all that remained was, to denounce the violation of that principle as illegal. All would be right when the slave-trader should be not merely held up to detestation as an inhuman violator of the law of nature, but threatened with extermination as a piratical transgressor of the laws of man.

Mr. *Marryat* observed, that the course of the discussion made it evident, that the chief, if not the only difficulty in filling up the appointments arose from the insalubrity, or rather pestilential mortality of the climate of Sierra Leone. Havannah was only slightly objected to, on account of the salary; the Brazils was said to be anxiously sought after; but Sierra Leone with its superior inducement of 3,000*l.* a year, and a pension of 1,500*l.* after seven years service, could not tempt one applicant; and no wonder: for that settlement had been justly called the grave of Europeans. Any man who read the despatch of sir James Yeo would see at once the grounds of that rational panic which prevailed in this country on the subject of that frightful climate. Why could not some more healthy spot, on the Gold Coast for instance, be chosen for the seat of the commission. Besides the insalubrity of the climate, Sierra Leone was open to another objection, as the seat of judicature on captured slave-ships. It was necessary now for almost every captor, with its captured ship, to beat up to windward during a six-weeks voyage, which frequently produced a loss of one-tenth of the crew.

The *Attorney General* observed, that when the treaty referred to was made, it was impossible to carry it into effect until it was ratified by parliament. After the ratification of it by parliament, there was considerable difficulty to obtain persons properly qualified; and if it was at any time important to carry the law into proper effect, it was peculiarly so at the out-

set. It had been said, that common law officers might have been applied to; in fact, they were applied to, but had as little taste for the situation of commissioners as gentlemen of the Admiralty court. He could say, that no delay had taken place on the part of government, in endeavouring to obtain proper persons to fill the situation of commissioners. Although no man held the Slave trade in greater detestation than he did, or would be more ready to punish those who carried it on, yet he must say, that some gentlemen, not in that House, had from their zeal to suppress it violated all law.

Mr. *Wynn* could not agree in thinking that the government had not the power of entering into a consideration of the proper persons to act as commissioners before the treaty was ratified by parliament. The House had been told of the difficulty which occasioned the delay in appointing a commissioner for Sierre Leone; but the delay in appointing one for the Brazils had not been accounted for. He should feel satisfied if the effect of the motion would be to expedite the appointments even now.

Lord *Castlereagh* informed the hon. gentleman that the motion would not produce such an effect, because the business was already in progress, and every possible means had been taken to forward it.

The motion was then agreed to.

HOUSE OF COMMONS.

Monday, February 22.

Libel Act—Petition of Richard Carlile.] Mr. Alderman *Waithman* presented a Petition from Richard Carlile, bookseller of Fleet-street, complaining that he had been vexatiously arrested and imprisoned, for selling certain publications, at the time that an indictment had also been laid against him. He prayed for relief, and the repeal of the grievous law under which he had suffered. On presenting this petition, the worthy alderman thought it necessary to state, that he knew nothing of the circumstances of the case; but the petition having been placed in his hand for the purpose of being submitted to the House, he had thought it his duty to comply.

The Petition was then read, and is as follows:

"To the Honourable the Commons of Great Britain and Ireland, in Parliament assembled.—The petition of Richard Carlile, of Fleet-street, in the City of London, Bookseller.

"Humbly sheweth;—That your Petitioner in consequence of a bill brought into your honourable House by his majesty's then attorney general, sir Vicary Gibbs, intituled, 'An act to enable his 'majesty to hold to bail in cases of libel,' has repeatedly been exposed to a frivolous and vexatious arrest.

"That your petitioner, on or about the 14th of August, 1817, was arrested on the authority of three warrants issued by Mr. Justice Holroyd on the oath of one Griffin Swanson, a common informer, who deposed, that your petitioner had published three several impious and profane libels. That pursuant to that arrest, your petitioner was committed to the King's-bench prison by Mr. Justice Holroyd in default of bail required on the three several warrants. That your petitioner was confined in the aforesaid prison until the 20th December, of the year aforesaid, when he was liberated on his own recognizances, without any opportunity of justifying his conduct before a jury of his countrymen, or rescuing his character from the reproach which had wantonly been heaped upon it.

"That your petitioner on the 16th of January, in the present year, was informed that a bill of indictment had been found against him, by the grand jury then sitting at the Old Bailey sessions, on the oath of one Charles Jones, a common informer, who deposed also that your petitioner had published a certain impious and profane libel, intituled 'The Theological Works of 'Thomas Paine,' and that your petitioner to prevent an arrest, did put in bail to appear and answer to such charge. That on the 19th of January in the year last aforesaid your petitioner having found that a writ of Certiorari had been obtained to remove the said indictment into the court of King's bench, your petitioner caused a notice to be served on the proper parties that your petitioner would appear in the court of King's-bench on the first day of the following (Hilary) term, and then and there answer to such indictment or any other indictments or informations that might then and there be preferred against him and put in such bail as the court may require. That your petitioner did accordingly put in bail to appear and answer to the said indictment, and also to

an information which had been filed *ex officio*, against the said publication by his majesty's attorney general, sir Samuel Shepherd, knt., and your petitioner left the court with an idea that he had fully satisfied the prosecuting parties of his appearance to defend his intentions in publishing the said alleged libel.

"And further sheweth, that your petitioner, conscious of the rectitude of his intentions, did continue the sale of the said alleged libel, thinking that the oath of a common informer was not sufficient authority to induce your petitioner to put the construction of an impious and profane libel on the said publication, and intended to have continued the sale of the said publication until your petitioner should have had an opportunity of submitting the said publication and his intentions for publishing it, to a jury of his fellow citizens.

"That your petitioner, to his great surprise and injury, was again arrested on the 11th of February in the present year aforesaid, on a warrant issued by the lord chief justice Abbott, which warrant, amongst other things, sets forth on the affidavit of George Prichard and Thomas Fair, that your petitioner had been proceeded against by an indictment for the said publication, that your petitioner had entered into recognizance to plead to the said indictment, but that since your petitioner had entered into the said recognizance, your petitioner 'had sold another copy of the said libel, for which last mentioned offence the said George Prichard intends to prosecute.' That your petitioner was brought before Mr. Justice Holroyd, at his chambers in Serjeants' Inn Chancery lane, and by him committed on the said 11th of February, to his majesty's gaol of Newgate.

"And your petitioner further prayeth that your honourable House will of its wisdom take into consideration the necessity of repealing the said grievous and oppressive law which by its provisions enables the common informer or perjured villain, with the aid of a partial judge, to harass and injure his majesty's unoffending subjects. And as in duty bound, your petitioner will ever pray, &c.

"RICHARD CARLILE."

Ordered to lie on the table.

CHIMNEY SWEEPERS REGULATION BILL.] Mr. Bennet having moved the order of the day for the third reading of this bill,

Sir *Joseph Yorke* said, it had long been a matter of very doubtful curiosity, whether a smoky chimney, or a scolding wife were the greatest evil; but on that night, perhaps, the question would be settled. Whatever the character of the hon. mover might be for philanthropy and humanity, he certainly took leave to say, that he yielded not to him a single iota in the possession of either. Out of the doors of that House, no doubt the hon. gentleman's name was associated with such virtues; but however that might be, he (sir J. Yorke) felt conscious that he indulged no feeling contrary to either benevolence or humanity. If the treatment of climbing boys were of such a cruel nature as to require the interference of legislative restriction, he would by no means object to it. But to do away an ancient trade, when the want of employment had been so much complained of, did really excite in him considerable surprise. If the Solons of the times wished to prevent the necessary waste of human life, he did not know how the present legislators would be able to provide for the increased propagation of the human species, which they seemed so earnestly to recommend. It would be evidently bad to throw young boys upon the parishes, and not only thereby increase the poor-rates, but lay them open to every temptation, and promote their progress in the career of crime. If, however, machines were capable of sweeping all classes of flues, he thought they would necessarily force their way into general use, and be employed in place of boys. But he called upon the hon. mover to state, if the fact had been made out, that machinery could so operate? Several of the fire-offices were against the use of machinery; and as to the master chimney sweepers, whom he held in his hand;—[a laugh]—well, then, if the House would have it so, their opinions, were in general also decisively against it. The directors of the Bank of England had given directions to two principal inventors of machinery to try their practicability on the chimneys of the Bank; but its success was confined to a very few of them indeed. One great evil in the use of machinery was its pargetting the mortar of the flues, and thereby very often rendering it necessary to take them down—no very pleasant thing to those who were fond of domestic comforts. Gentlemen might not know what pargetting meant, but if they had to take down a whole stack of chimneys,

‡

they would find it rather an expensive and unpleasant job. Where the flues were not covered at the top, to prevent the rain from inundating a man's house, the use of machinery could never become practically valuable. The House seemed to be amused at what he said, but he begged most seriously to impress it upon such gentlemen as had houses of their own, that if the mortar were to be stripped off the flues, and, in cases of fire, if they were compelled to go upon the roofs of their houses and strip off the tiles in order to quench the flames, whether in such a case they would like to have the lead of the gutters stolen, exclusive of all the other inconveniencies to which it would subject them, of being obliged to call in carpenters, slaters, and plumbers, at a very formidable expense? But all this would certainly be the result of the use of machinery. Gentlemen should take a look at such points before the bill went to the other House, where it would no doubt meet its *quietus*. And further, the bill did not say, in the event of a stack of chimneys falling in, when machinery had been used to sweep them, upon whom the expense was to devolve? Whether upon the ground landlord, the intermediate tenants, or the party in actual possession. The flues, however, were the nice point to be touched; and he hoped that gentlemen would reflect upon the present bill, and treat it as they had formerly done the pewter-pot bill. It was a pleasant thing to see so full a House, when his majesty's attorney-general had one great subject to introduce: and another gentleman opposite another great subject, upon which no doubt he would make a very fine speech. But the fulness of the House would also be beneficial to the discussion of the present bill; for the hon. mover would discover that every humane gentleman could not compel the House to the adoption of whatever plans he pleased. It should be told that gentleman—"nothing on compulsion have," and he hoped it would be verified that night. The hon. member for Bramber had said, that nothing could get rid of a prejudice but an act of parliament, as was the case with regard to the slave trade and the small pox. But if a sanguinary war arose in the course of a few years, he should be glad to know how an act of parliament could be said to operate against such a prejudice? [Hear, and a laugh] Why, war after all was called a prejudice, or an evil, and surely the gravest gentleman would not deny that evil was a bad thing? Besides, he had noticed another strange defect in the bill in its bad grammar, and he should therefore move, "that it be recommitted." Why should such a bill pass? What merit had it to boast of? For as to the humanity which was so much the fashion to be talking about, he begged to enter his most solemn protest against it. It was half spurious at least. But he would not further detain the House. He was obliged for the patience and good humour with which he had been heard, and should conclude with moving that the bill be read a third time on that day three months.

Mr. *Ommaney* opposed the bill, because it would deprive many people of employment, and throw a number of young persons on the parishes. As to the opinion of the fire-offices, he held in his hand a paper which showed that a subscription to the amount of 120*l.* had been entered into by several fire-offices for the purpose of suppressing the bill. The boys generally employed in this profession were not the children of poor persons, but the children of rich men, begotten in an improper manner.

Mr. *Bennet* said, he did not think it necessary to reply to the general arguments that had been urged against the bill, thoroughly and repeatedly as the subject had been discussed. He wished, however, to say a few words on what had just fallen from an hon. gentleman respecting the disposition of the fire offices. He had that morning read the various depositions on the subject on oath. In them it was distinctly declared, and especially by Mr. Jones, one of the secretaries, that the money alluded to by the hon. gentleman had been subscribed, not for the purpose of getting rid of the bill, but in order to enable the matter to be investigated. As to the assertion made by the hon. gentleman of the source whence the master chimney sweepers were supplied with their apprentices, he was sure the House would agree with him, that if those unfortunate little beings were chiefly illegitimate and unprotected children, it was an additional reason for affording them legislative care.

Mr. *Wilson* remarked, that what the hon. member had said respecting the declaration of Mr. Jones, was perfectly correct. It was true that Mr. Jones gave the money for the purpose stated by the hon. gentleman, and that it had been sub-

scribed solely for that purpose. If, however, the hon. gentleman had gone farther, he would have learned that it was Mr. Jones's opinion, and that of several fire-offices, that the measure would be attended with considerable danger.

Mr. *Bennet* said, he had looked at the whole evidence, in order to ascertain the different opinions that existed respecting the measure. It was true, that many had given opinions such as had been mentioned by the hon. gentleman. Some persons connected with the fire-offices had given their opinions, not officially, but as individuals; and some of those who apprehended danger from the measure, had never seen the machines worked.

The bill was then read a third time, and passed.

PUBLIC CHARITIES.] Mr. *Brougham*, adverting to the notice which, at an early period of the session, the right hon. member for Liverpool had given of the intention of the noble lord opposite to propose a bill for the extension of the powers of the act of last session, for appointing commissioners to inquire into the abuses of public charities, wished to ask the noble lord if he still entertained that intention; and if so, whether he had any objection to state about what time he thought he should bring forward his motion?

Lord *Castlereagh* said, that he was anxious to bring the subject under the consideration of the House with the least possible delay. His only reason for not having hitherto redeemed the pledge given for him by his right hon. friend was, that he thought it would be more satisfactory to postpone his motion until the report should be received, from the committee appointed by the act of last session. That report, he understood, was in such a state of forwardness, that its presentation might be expected either in the present week or early in the next. As soon as it was on the table, he would bring forward his proposed motion, on the merits of which the report in question would enable the House to come to a more satisfactory decision.

Mr. *Brougham* said, that nothing could be more satisfactory than the noble lord's explanation. The particular reason for his anxiety on the subject was, that his own course on the subject of the revival of the education committee would mainly depend on the course pursued by the noble lord.

CRIMINAL LAW.] Mr. *Buxton* wished to ask the noble lord, if he had any objection to postpone his motion on the State of the Prisons, until the motion of his hon. and learned friend (sir J. Mackintosh) respecting the Criminal Law, should be disposed of? He felt considerable anxiety on this subject, persuaded as he was, that on the question of gaols, there would be no difference of opinion in that House, but that there might be on the question to be agitated by his hon. and learned friend.

Lord *Castlereagh* said, he should be very happy, could he comply with the hon. gentleman's wishes. To do so, however, would, in his opinion, be a great public inconvenience, as in his view of the subject the question alluded to by the hon. gentleman would be advantageously associated in discussion with that respecting which he (lord C.) had particularly given notice of a motion.

WINDSOR ESTABLISHMENT.] The House having resolved itself into a committee of the whole House for the purpose of taking into consideration the Report of the Select Committee on the Royal Establishment at Windsor, [see p. 457],

Lord *Castlereagh* said, that he should state very shortly the proceedings which he should propose to the committee to adopt as the most convenient under all the circumstances of the case. He apprehended that it would be most conformable to parliamentary usage and practice, as well as most convenient to the committee, to describe in the present stage of the business the nature of the resolutions which it was his intention to propose. The effect of that would be, to create a discussion of those points respecting which a difference of opinion was entertained, before introducing any measure to the House. He should best fulfil his duty by bringing the whole subject of the report of the select committee now before the committee of the whole House. Those points of the report, which were substantive in themselves, had been embodied into distinct resolutions, which he should submit to the committee of the House, and he should afterwards bring in a bill on those resolutions which should be approved of by the committee. He should now state the nature of the resolutions which he had it in view to propose. The first related to the Windsor Establishment in general. Instead of 100,000*l.*

he proposed that the sum of 50,000*l.* should in future be granted. The second went to make a provision for the servants of her late majesty to the amount recommended by the select committee. The third went to pay out of the civil list 10,000*l.* per annum to the duke of York, as custos of the king's person, being the sum paid to her late majesty. The object of the fourth resolution was, to make a limited change in the enactments of the act of 1812, respecting the mode of superannuating the king's servants, as the new transaction would throw a great number of them out of employment. The last resolution would only involve exchequer regulations concerning the issue of the 50,000*l.* per annum for the Windsor establishment, and 58,000*l.* for the other objects which had been enumerated. He would follow the order of the resolutions as strictly as he could, calling the attention of the House to the propositions which they involved.

The first resolution, which in fact contained the sum and substance of the whole measure, stated the provision which the select committee considered suitable, under all the circumstances of the case, for the care and maintenance of his majesty. The labours of the select committee had abridged very much what it would have otherwise been his duty to submit to the committee of the whole House, because he would have been obliged to bring the subject before the committee of the whole House in a degree of detail, which would have made his task quite hopeless, if he had charged himself with what the labour of the committee had now relieved him from. The committee had also relieved him from the necessity of entering at any length into a course of argument to persuade the committee of the whole House that the sum here proposed was a fit and proper sum. It was impossible to urge a more favourable recommendation than the opinion of the committee, that 50,000*l.* was a suitable and proper sum to be assigned for the support of his majesty. He only stated the views of his colleagues who sat with him in the select committee, when he observed that there was no difference of opinion among them, on the point of that being a sum fit and proper in itself under all the circumstances of the case. He believed indeed that there were few members of the committee who would not be satisfied if their own private affairs were conducted on the same principles of economy which regulated the proposed Windsor establishment. The only difference which prevailed in the select committee related to one point, which could not be considered of any great importance (although he allowed that no question which involved any expenditure of the public money was insignificant), namely, whether the proper number of equerries for attendance on his majesty's person was four or six? He did not mean to enter into the merits of the question, much less to propose any thing inconsistent with the judgment of the select committee. He should merely state, that Mr. Burke's bill had reduced the number of equerries to four; and that after considerable experience under that bill, the appointment of two additional equerries did take place. Though he did not urge this in opposition to the judgment of the select committee, yet it certainly formed some excuse for his majesty's government in the proposition which they made. With respect to the amount of the sum necessary for the support of the Windsor establishment, he believed the right hon. gentleman opposite himself, who thought 50,000*l.* a larger sum than necessary, before looking into the details of the subject, on receiving proper explanations, came at last to entertain a very different opinion from that with which he entered into the select committee. For, when they deducted from the 50,000*l.* the sum necessary to keep up the palace, which was not less than one-third of the whole, and another one-third for the servants, who were employed in different gradations, in attendance on the person of his majesty, the real expenses of the establishment would not be found to exceed the sum of 16,000*l.* a year. When the committee considered that this establishment involved a proper reception for the officers who were in daily attendance on his majesty, he trusted they would agree with the select committee, that the establishment could not possibly be conducted in a more economical manner. He trusted he had opened to the House every thing which it was necessary for him to state on the subject of this resolution.

He should now direct their attention to the second resolution, namely, the making of suitable provision for the servants of her late majesty. When he had opened this subject originally to the House, he

had stated the precedents by which he was guided in the scale of remuneration which he proposed to the servants of her majesty. He was naturally led, in the discharge of his duty, to turn to those cases which bore a certain degree of resemblance to the present. It was not only satisfactory in measures discretionary and not arbitrary in their principle, to know what had been the practice of former times; but there was also a strong equity in proceeding according to the rule which was observed in those times, because it was impossible not to presume that those individuals, who were servants of her majesty, did not go into her majesty's service merely for the sake of their salaries, but that they looked to the practice of former times in the case of the event of her majesty's decease, and calculated on the eventual salary which would then accrue to them. It did appear to the select committee, on looking into this subject, and when they considered that the emoluments of the servants of her majesty were not much beyond the standard of those of other ranks, that it was particularly necessary to make some provision for them on an event like that which had taken place. There was another point also which entitled them to consideration. There was a strong indisposition in families to receive any persons who had belonged to the royal household, from an apprehension that they must have contracted habits which it would be difficult to reconcile with a lower situation. Thus their prospects in life were materially affected; and there were strong and clear grounds for granting them a provision. The precedents in the case were those of the princess dowager of Wales, queen Caroline and queen Mary. But even on the supposition that those precedents could not be brought into the view of parliament—and that the opinion of parliament on any former occasion could not be quoted on the present,—still when they looked at the equity of the case, he conceived they were strongly called on to make some provision for the several servants of her majesty on their entering into retirement. The select committee thought that it was just and expedient and right that a remuneration ought to be given to the inferior servants of her late majesty, and especially to the female attendants, in conformity to the precedents to which he had alluded; but they thought that with respect to the state officers of her late majesty, those precedents were not obligatory. Having therefore examined into the claims of her majesty's servants, they made a deduction from the 24 or 25,000*l.* the total amount of the salaries, of those which were paid to persons of a more elevated rank in life, amounting to between 6 and 7,000*l.* a year, thus reducing the sum to between 18 and 19,000*l.* a year. His majesty's government, therefore, did not feel themselves authorized to propose a larger sum than between 18 and 19,000*l.* a year to the servants of her majesty; and he trusted the committee would feel, that in the line which had here been drawn, they had shown a strict regard to economy. It was to be recollected, that this sum was much smaller than what had been granted to the servants of the princess dowager of Wales, queen Caroline, and about the same as the amount granted to the servants of queen Mary, notwithstanding the difference in the value of money which had since taken place.

Having explained the circumstances on which he had been induced to recommend the second resolution, he now wished to call the attention of the Committee to the third resolution; and as he was desirous to render the subject more intelligible, with the third resolution he would connect the question, respecting which notice had been given by the right hon. gentleman opposite, of a motion for making the sum for the custody of the king's person a burthen on the privy purse. He foresaw that the one question would necessarily involve the other. Now, with respect to the notice which the right hon. gentleman had given, certainly the right hon. gentleman concurred in opinion with him, when he expressed it as the determination of his majesty's ministers strictly to follow the precedent of the regency acts of 1811 and 1812. If the principle of those acts were recognised, there could be no alteration made in the person of the duke of York in the emolument given to the *custos* as there was none in the power, and responsibility of the office. The right hon. gentleman proposed that the *custos* should be paid out of the privy purse, and not from a public fund. This proposal was a change of the whole state of the question, and asserted that the *custos* was distinct from the rest of the establishment at Windsor, and went to touch that fund as a public fund which the law had tied up as the sacred property of his majesty. He

hoped he should satisfy the committee that in every view the right hon. gentleman could take of the question, whether, it was considered on the ground of law or of equity, the privy purse was a private fund, and ought not to be touched at all. He thought he might be allowed to assert that nothing but principle could induce him to take the sense of the committee on this question. He thought he might fairly say this, when the only difference between him and the right hon. gentleman was, as to the fund on which this sum of 10,000*l.* should be cast. He had the satisfaction to think that on the basis they were both agreed, namely, that the right hon. gentleman did not contend that it would be proper to throw on the *custos* of the person of the sovereign, whether that *custos* was the duke of York, or any other person, an office so delicate, so responsible, so eminently a public trust, without accompanying it with a proper remuneration — that it would not be proper to rank such an officer with one of the domestics or medical attendants. He did not apprehend that in any quarter there was any intention or wish to reduce the allowance for the care of his majesty's person, or to deny that adequate provision ought to be made for the person to whom that trust was committed. The only difference between them was, that the right hon. gentleman wished to throw on the privy purse that which had formerly been charged on the civil list. It was impossible for him to conceal from himself the difficulty with which any grant from parliament was attended, particularly in the state in which the country latterly stood, and the danger and odium which followed the proposing any such grant to any member of the royal family, or any public servant. It was unfortunately too much the taste of the times to attribute improper motives to members of the royal family. If therefore he had applied for the purpose in question to any fund, not of a public nature, he should have relieved government from the odium which was sure to attend any proposition of the present nature. There never was an occasion on which there was less temptation to a minister to depart from the safe course prescribed by the right hon. gentleman, and nothing therefore but a strong sense of public duty could have induced him (lord Castlereagh) to take the course which he now took. He contended that the privy purse was not a fund with which parliament could interfere, unless they were disposed to overleap all the boundaries of law and equity. He trusted the committee would therefore believe him when he stated, that in the task he had undertaken, he was instigated by a sense of duty, and nothing else. If he had not adopted that course, and had closed with the right hon. gentleman, he might have obtained his object with much more ease and less odium. All difficulties would then have vanished, and nothing would have remained but the consciousness of having taken an illegal and unjustifiable step. If this were a case of private service, the privy purse could not be tied up more than any individual's property. But it was a public duty; if not, he should at once agree with the right hon. gentleman; but since it undeniably was a public duty he would show that to provide for it out of the privy purse would be unjust, illegal, and unconstitutional. It was immaterial to him, whether the privy purse was limited to any specific sum. He should be prepared to show that they could not make this sum a charge on the privy purse, without violating every principle of law and equity, and interfering with private property. The fund was if possible still more sacred in his majesty's present condition. As in the ordinary case of a lunatic, it was for the lord chancellor to say what charges were to be made on the private estate of that lunatic, so parliament, in the present case, ought to be guided by the same principles of equity, and ought not to throw any charge on the privy purse with which private property could not be justly charged. But he was prepared even to maintain another proposition, that parliament could not on principles of justice, law and equity, bring against this fund all those descriptions of charges which might be imposed on the estates of private individuals. He did not know if he made himself understood—he meant to say that the privy purse was as much private property as any private individual's property; and yet, that it was not in this case liable to the burthens to which other private property would be liable. If he could convince the House that they could not encroach on this fund without flying in the face of the principles of the acts of 1811, and 1812, he trusted they would now consider it as sacred. Whatever were the merits or demerits of the Acts of 1811 and 1812 —if they were vicious in principle and detail, instead of being, as he believed sound

and equitable—if this precedent were wholly wanting, while the laws respecting private property were unviolated, parliament was incompetent to overstep the boundaries of private property in this case. When he said incompetent, he was aware that the law of parliament over-rode every thing in the country, but he meant that according to the precedents and usages which had prevailed, parliament was incompetent to do this. Parliament had always considered themselves bound to observe, the principles of justice law and property towards the highest as much as towards the lowest authority of the state. Now, with respect to law, that fund was, to all intents and purposes, private property. His hon. and learned friends beside him would afterwards argue this more satisfactorily than he could do. But he would say that the privy purse was private property, in every point of view. If the privy purse was private property, the surplus of the privy purse was private property, because it had been saved from the privy purse. He did not mean to say, that if the question had arisen anterior to the acts of the 39th and 40th of the king, a serious consideration might not have been opened, whether the 60,000*l.* given to the privy purse, and the proceeds of the duchy of Lancaster,—though these funds were entirely distinguished from the other branches of his majesty's revenue, and were given to the direct enjoyment of the sovereign, without the necessity, without any control whatever, but still he did not mean to say that if the question had been raised, though the generosity of parliament would never have allowed of such a question; but if the question had been raised when the person who was king ceased to discharge the functions of royalty, parliament might not have dealt with the privy purse as with the civil list, and have made such arrangement respecting it as they thought fit. But from the moment the acts of the 39th and 40th of the king passed, that power had passed from parliament. That act separated the individual capacity of the king from his corporate capacity as supreme head of the nation. It was an act of indulgence, if not of strict justice, to suffer his majesty in the midst of the cares imposed on him by his high functions, to show his kindness and affection like other men, and to have by possibility property, over which he might dispose at pleasure. He could only before hold property in his corporate capacity, but it was thought that this restriction was unnecessary, and that he might be allowed to have subordinate objects to those of the sovereignty; that he might be allowed to have the means of gratification by obliging his friends and rewarding those who had claims on his bounty. On that principle parliament enabled his majesty to dispose of his property by will or otherwise; and parliament did not leave in disguise, what were the sources from which that property was obtained. His majesty not only received power to dispose by will of that property, but parliament acted retrospectively, as to any wills or dispositions of that property made before the period of that law; and by that law it was distinctly pointed out what were the sources of the private property of the king which were not to be considered as clashing with the property of the Crown—namely, the surplus of the privy purse, the proceeds of the duchy of Lancaster, and the purchases made from savings out of those funds.

The fact was, therefore, that there was a distinct recognition of the privy purse as private property by the 39th and 40th of the king, and from that moment it could be considered in no other light than private property. And that the savings from the privy purse were in all strictness private property vested in the person of his majesty, was proved by the view taken of that subject by parliament every succeeding year. But had any doubts whatever remained, as to the light in which the privy purse was to be considered, those doubts would have been set at rest in 1811 and 1812, when by the 51st and 52nd of the king, parliament dealt with the privy purse as private property, and with all the scrupulous delicacy with which they decided respecting private property. In 1811 it might have been thought that the king's malady would be of short duration; but in 1812 there was no reason to hope, that it would be of short duration, and then parliament decided that the amount of the privy purse should be 60,000*l.*, and tied it up for the sole disposal of his majesty, as his private property. He would not now go into all the minute charges thrown on it. The right hon. gentleman must allow, that no charge which was not of a private nature was fixed on it. He was justified in asserting that, according to all justice and equity, the fund ought not to be exposed to charges

of a public or even of a doubtful character; and he therefore contended that parliament could not throw the allowance to the duke of York on this fund except they dissented from true constitutional principles, and flew in the face of all law, precedent, and argument. When he (lord Castlereagh) originally opened the subject to the House he had considered two or three charges as so entirely of a private nature and the wishes of his majesty, that he had been induced to think they might be defrayed out of the privy purse. But he had since abandoned the idea, lest he should throw the least shadow of doubt on the total inviolability of that fund. There was but one opinion in the House and the country, that the sovereign should be surrounded with all marks of veneration. It was only necessary for him to name such a proposition in order to revolt the feelings of the Committee, that they were to look to the sacred person of the sovereign as a private individual; there was something so monstrous in the idea of viewing as a private individual, the sovereign surrounded as he was by all those circumstances which marked the veneration in which he was held; and which, even now when his recovery was hopeless, were no less sanctioned by the constitution and by principle than they were by the affection and loyalty of his subjects. There was no doubt in the case of private persons, that a court of equity would provide for the maintenance of a person labouring under that malady out of his estate. But was that the part parliament would wish to be pursued by the king? The sovereign of this country had a large sum belonging to him as sovereign, without the grant of parliament. The practice at the commencement of all new reigns had formerly been, to grant certain duties in addition to other allowances to the king. If all such duties and allowances were now possessed by the Crown, they would produce about two millions; but, in order to meet the wishes of the people, the sovereign had devolved those duties to the civil list, which had been raised from time to time. Except his charities and his private donations, all his majesty's functions were public functions, conducted on public grounds and by public officers. In the cases of other persons it was not so. Every person employed by his majesty was a public functionary: he was recognised as a public functionary, and the expenses were always defrayed from public funds. He did not enter into a comparison of the present measures with the act of 1811 and 1812. On the contrary, there was a considerable restriction in the present measures of the charges of that act, agreeably to the changes of time and the situation of his majesty. But the right of private property was now as sacred as in 1812, and it would not be considered less sacred because our sovereign was in his present afflicted situation. What was the precedent of 1812, but the appropriating of 100,000*l.* for all expenses of the establishment at Windsor? With respect to the office of *custos*, as to which the right hon. gentleman made a distinction, he put it to the feelings and good sense of the committee whether any alteration ought to take place in the mode of remunerating the individual filling that office. He would ask whether there was any office more unequivocally of a public nature than that of the *custos* of the king's person? In these times his majesty was, encircled in the affection of his subjects; but if they looked back to the page of history, he would ask what office could be more important, or require greater authority and discretion in the person, who filled it? If he were asked what was the officer in whom the confidence of the people should be most firmly placed, he would say, that person who was to stand as the shield of the constitution and the country against the ambition of any individual wishing to accelerate another reign. Was he to be told that because such a danger did not now exist, that officer ought to dwindle into the character of a nurse. He trusted that if members meant to oppose the resolution, they would do it in a manly manner. He trusted they would not give trimming votes on a question of this nature, but pause before deciding that the *custos* of the king was to be a mere domestic servant. The acts of the 51st and 52nd of the king (the second of them with a slight variation of which he would afterwards speak) considered the privy purse as the private and personal property of the king, and after providing that the expense of medical attendance should be defrayed out of it, vested it in trustees to accumulate in the same manner as the property recognised under the 39th and 40th of the king. It was not to be considered now as a fund simply belonging to his majesty, because it was possible that in pursuance of the powers vested in him for that purpose by parliament, his

majesty might have divested himself of all his rights in it. The committee might at that moment be arguing respecting funds which belonged to the king neither in his royal nor in his individual capacity, but which might be vested either in members of his majesty's own family or in any other person in the country. It might be that his majesty had, previous to his illness, devised that fund, of which the right hon. gentleman now wished parliament to assume the disposal, to the person whom his majesty might appoint his residuary legatee. His majesty might have granted a vested interest in those very funds. Therefore, in truth, the question was, whether the House had the power to take the surplus of the privy purse, or to throw on it the charges of the *custos*, without violating the first principles of private property.

If he had succeeded in conveying to the House any thing like the impression on his own mind—if the character of the funds in question was such as he had described it—if the argument of its being private property was applicable to the case, he was sure that parliament would never be persuaded to take any step in so clear a case, and that they would never consent to a measure which would violate all the principles on which property was protected. And he would wish to put it to the committee, whether, when in the height of his power, they gave his majesty the power of disposing of this property—a power which he but possessed in common with the meanest of his subjects, namely, that of giving away, in such manner as he pleased, those sums which might be saved from private income; he would put it to the House, whether, if they gave this right to his majesty when in the zenith of his power, would the Commons of England—that House, which was commencing its career, and which was now to make itself a character with the nation—would that House, which was now about to come to a decision which would produce the first and strongest impression of its character—would they do that to their helpless monarch, which, if done to a private individual, would be considered a monstrous and unjustifiable violation of private property—and would they do it to their unhappy monarch in his weakness and his sickness? Would they concur in the spoliation of their monarch? Would they stain the annals of the nation by acting on a principle which no parliament had ever so far compromised their character as to act upon it? Was this the first time that parliament had been solicited to violate the right of private property? Was this the first time that it had been suggested to the House as convenient to lay hold of funds which were unprotected private property? And had such propositions ever been entertained—ever been listened to by the House? If, amidst all the dangers and emergencies, and pressure of the late war, the House had resisted the proposal which had been made to seize the property of our enemies vested in the public funds of the country—if the House had even refused to tax that property, notwithstanding all the endeavours to persuade them of the justice and equity of imposing such a tax as the fair price for the protection of the property—if the Commons of England had the integrity to decline any such measure, would they now lay a heavy hand on the small remnant of the private property of his majesty? Indeed, he could hardly think it possible that the right hon. gentleman would be bold enough to propose such a thing to the House. Certainly he did give that right hon. gentleman credit for too much good sense, too much English spirit, too high a regard to public principle, and too great a respect for public feeling to expect that he would bring before the committee the intended proposition—a proposition that would, if carried, he believes in his conscience, consign their names to infamy in the estimation of the country. But if the right hon. gentleman had nerve enough to bring forward his proposition, and to press it to a division, he trusted that the committee would have such feeling on the legal and constitutional part of the question, as to meet it with a firm resolution to preserve the principle of legislative faith, and with that noble sentiment which their ancestors on a former occasion had recorded on the statute book—"Nolumus leges Angliæ mutari."

The noble lord was then proceeding to move the first resolution, but after a short pause rose again, and said, that he should have neglected a principal part of his duty on this occasion, if he had omitted calling their attention to the situation in which the royal duke was placed who was to be supposed as chiefly concerned in the decision of the committee. On this subject he was authorized to declare to the House the sentiments of his royal high-

ness. He was sure the House would feel that there was no want of respect towards them on the part of his royal highness. On a subject which must so much affect the feelings of his royal highness, his majesty's ministers had thought it their duty to communicate with his royal highness upon it, and he was now bound to apprize the House of the result of that communication, so far as respected his personal feelings. His royal highness had authorized him to state, that nothing could be more painful to him than that any question should be brought before the House which connected his name with a money vote; that if he had only consulted his own feelings, and had not been satisfied that the question was one essentially connected with the trust which had devolved upon him under such distressing circumstances, and if he had not been convinced of the necessity of having the question finally submitted to the judgment of the House, nothing could have reconciled his royal highness to the pain of such a discussion. But if the House should think fit, under all circumstances, to continue this allowance which they had thought it proper to grant to his late mother, his royal highness authorised him to say, that no consideration could induce him to accept of any sum out of the privy purse of his Majesty. As to the functions which had devolved on him with all the melancholy circumstances attending it, he would in any event be happy to discharge the duties which his situation rendered necessary towards his royal father and his country. In the decision of the question his royal highness was very anxious that every thing affecting himself personally should be laid out of view. But as to taking any part of the money out of the private property of his father, he desired it to be stated, that it was a measure to which, directly or indirectly, he would never consent.—The noble lord concluded by moving the first Resolution; viz. 1. "That in lieu of the sum of 100,000*l.* directed to be issued and paid by an act made in the 52nd year of the reign of his present majesty, the annual sum of 50,000*l.* shall be issued and paid out of the civil list revenues, and which shall be paid in like manner, and be applied to the same uses and purposes, as are directed by the said act with respect to the said sum of 100,000*l.*"

Mr. *Tierney* said, that nothing could be more perspicuous or manly than the manner in which the noble lord had stated the subject before the committee, and he should follow the noble lord's example, by dividing into three heads the observations he should offer;—the first, as to what should be the reduced amount of the future Windsor establishment; the second, as to the allowances made to the servants of her late majesty; and the third, which was the greatest, the most constitutional, and the most important question, from what, if from any fund, the sum to be paid to his royal highness the duke of York, as guardian of the king's person, should be taken. In the first place, as to the Windsor establishment, the committee had the report of the select committee for their guide; and the noble lord had very fairly said, that never was any report agreed to more unanimously. He (Mr. T.) had been guided solely by the evidence, he had gone into the committee with an opinion, which he had before expressed in the House, that the sum of 50,000*l.* was too great for that establishment; but when he had heard it stated, by competent witnesses, that even if his majesty were withdrawn altogether, either by death or by removal to some other of his palaces, the necessary charge of maintaining Windsor Castle alone, would amount to 18 or 20,000*l.* a year, he could not think that a sum of about 30,000*l.* a year was too large; and he stated it thus broadly, because he was persuaded, that the country, anxious as it was for economy, would rather reprehend than thank him, if on any minute difference of opinion he had chosen to raise a debate on so delicate a subject. If, perhaps, by investigating all the figures narrowly, a saving of 3 or 4,000*l.* a year had been brought about, he should still have regretted the debate it would have occasioned. They had had royal debates enough in that House; every one, who loved the monarchy, must regret those which had passed, and he lamented that there was now another forced on them. With respect to the Windsor establishment, then, such was his present conviction; if any gentleman should, however, possess new lights on the subject, he would not be precluded from availing himself of them. He had spoken according to his present view; if any persons could place the subject in a better view, although he believed none could, he was ready to accede to it. In the next place, as to the allowances to her late majesty's servants. He lamented

that this subject had been referred to the committee. But perhaps the noble lord, with respect to that as well as to some other matters, could not exactly help himself. Precedents had been produced, but they had nothing to do with the matter. In each of the cases which had been mentioned (those of queen Mary and queen Caroline), the king being alive, and in possession of the civil list, it was in his power to make whatever provisions he chose for the servants of the deceased queen. Those precedents, therefore, had never come under the consideration of parliament, and were therefore no precedents for parliament. He had never passed any time more unpleasantly than in the examination which was imposed on him in the select committee—inquiring into the private affairs of ladies of high rank and character in the country—calculating their incomes—estimating the reductions sustained in them, by the loss of those situations which they held during the life of her late majesty. Though he had not, perhaps, decided to their satisfaction, the decision certainly was not less satisfactory to them then the task of deciding was to him; but he had felt it necessary to be guided in his duty towards the public by some fixed rule. Another question which had come before the committee was, whether the Lords who had offices of state about the queen should have the same allowances as the female attendants? The noble lord had told him, that 25,000*l.* were necessary for all those pensions and allowances. He asked for precedents, and the noble lord stated the several precedents quite correctly. He objected to extending pensions or allowances beyond servants in menial offices. He was told that he was quite in error upon that point, and that lords were usually pensioned as well as menials. However, the alteration which had taken place in the original proposition on this subject had come, not from the committee, but from the noble lord himself, and was another proof of the noble lord's admirable talent for falling back. At first, the claim of these state officers to allowances was set up, boldly set up, but afterwards the lords and marquisses were put aside by the noble lord, as readily as they had been pushed forward, not because any new light had been thrown upon the subject, but because the noble lord found it not convenient to persevere. Those gentlemen who were the sufferers by this transaction, had probably at times thought that an administration, made up of pliant materials, and not bound together by any strong common principles, was very convenient; but they would now find that it was not without its inconveniences; that such ministers were like young elephants, who could be trained to all sorts of tricks; could be made even to take a shilling out of a countryman's pocket, and carry it to their keeper; but who, when they came into battle, had so keen a sense of danger, that they were in the habit of running back and crushing their own friends. Those gentlemen might, perhaps, now wish for a strong and vigorous administration, which would do at all risks what it conceived to be its duty. In the instance of some of the ladies about the person of the queen, it was a question, whether they were not entitled to their allowances as well as to the salaries of their offices; but the rule had been laid down, he thought properly, that the salaries only should be continued to them. There might be a question also as to the length of service which should entitle the servants to their salaries; but the committee had endeavoured to strike out the proper line.

After disposing of the two first points thus shortly, he came to the great constitutional question—out of what fund the guardian of the king's person was to be remunerated? In the eloquent declamation with which the noble lord had concluded, he was told that if he (Mr. Tierney) succeeded in inducing the committee to agree to his proposition, he would heap infamy on a new House of Commons. If that were infamy he should be ready to undertake it. Though he would always perform his duty to the sovereign, nothing should deter him from that duty to the people which he thought perfectly compatible with it; and both he thought were combined in the course he had in contemplation. He could not, at this stage, help remarking, that the royal declaration which they had that night heard, was most ill-advised. If, indeed, the ministers told his Royal Highness that the House of Commons would render itself infamous by agreeing to the vote out of the privy purse, his Royal Highness was likely to think that it would be infamous for him to receive the money from that purse. But with deference to the opinion of the minister, he thought that any sum that parliament thought fit to offer, out of any

fund, for the performance of a public duty, the proudest royal duke might be proud to receive. The argument of the noble lord was, that the privy purse was private property. He should look at the construction of the different acts of parliament and prove that that argument was erroneous. In the first place, he should endeavour to show what the privy purse was, for gentlemen talked very fluently of the privy purse, but he doubted if they knew what it was. At the commencement of his majesty's reign, by stat. 1, Geo. 3rd, cap. 1, it was enacted, that a certain sum should be settled upon his majesty, for the proper maintenance of the royal household, and the due support of the royal dignity; and here he begged to impress upon the committee the consideration, that it was not upon the man, but upon the king, which the settlement was made. This was a difference which they should look at, and bear continually in mind. It was not to be at the absolute disposal and control of his majesty, as the private fortune of an individual might be at his (such individual's) disposal, but was to be applied to certain purposes; and if it was more than sufficient to answer those purposes, the surplus became the property of the public. It was then to the support of the royal household and the maintenance of the royal dignity, that the sum was granted, and not any mention was made of the privy purse. The sum granted by the act mentioned was 800,000*l.* per annum, to be disposed of as to his majesty might seem proper, under the responsibility of his ministers—that was, that he being allowed that sum, was to take charge of all expenses which might come under the head of civil list, and those ministers were to be consulted as to the particular sum which was to be apportioned for his majesty's private use. Parliament were not at that time, to be consulted; but it was to be left to the discretion of ministers to judge what sum might be necessary for his private use. They were, he again said, and he begged it might not be lost sight of, to apportion the sum on their own responsibility. The ministers, subject to responsibility to parliament, might have advised his majesty to take 600,000*l.* for that purpose. At first, 48,000*l.* was set aside for the privy purse, and afterwards, when his majesty's family and the claims on him were much increased, it was extended to 60,000*l.* But this sum was unknown to the constitution, and not alluded to by parliament till the 39th of the king, which act recited that savings had grown up out of the privy purse and the dutchy of Lancaster, and empowered his majesty to dispose of them by will. The motive which was understood to have led to that act was, the intention on the part of the king to build the palace at Kew, which he destined for her late majesty, and in order to have the power of thus settling that palace on the queen, to build it, not on the royal grounds, but on private property, which he had purchased adjoining to the gardens. The act was purposely intended to enable his majesty to dispose of sums which had been issued out of the privy purse, and were vested in real or personal property. But the privy purse was not there named as a particular limited sum. It might have been 60*l.* or 60,000*l.*; it was not, as the noble lord would give the committee to suppose, that a certain fixed annual sum was thus made the peculiar private property of the Crown; but that the savings, whatever they were, vested in real or personal property, might be disposeable by will. He allowed that whatever the king had saved up to the period of his illness was private property under that act, and might be disposed of to the noble lord, or to any one else. But what had that to do with the present question? That visitation of God which had fallen upon his majesty, and through him upon the country, had altered the whole question root and branch. He did not wish, and he trusted it would be so understood, to have the 39th or 40th of the king repealed on that subject; all he wanted was, that circumstances being now so completely different, the application of the sums should be in some degree suited to them. He should now consider the manner in which the privy purse was regarded in the 51st and 52nd of the king, and to this part of the subject he begged the particular attention of the committee. At the time of the passing of the first of those acts, as there was a reasonable prospect of his majesty's speedy recovery, the object was, to make such arrangements, that when his majesty recovered he should find every thing about him in the same situation as before his illness. Now, if the privy purse had been, as it was contended to be, the private property of the king, just as sacred and inviolable as the estate of a private gentlemen, why was any separate arrangement made concerning it, different from that concerning

the private property in general? Why was it thought necessary to have an act of parliament on the subject? The legislature however judged it necessary to interfere; and by that act, which for the first time mentioned the amount of the privy purse, the sum of 60,000*l.* was directed to be paid annually to the keeper of his majesty's privy purse, to be by him vested in the public funds in trust for the benefit of his majesty. This act, therefore, passed with a view to the probability of his majesty's recovery, recognized the principle of disposing of this fund. Then came the more melancholy year, when all prospect of his majesty's recovery, instead as being probable, was contemplated as a mere possibility, or, at most, as a thing most remotely probable. It then became the duty of parliament to make an entirely new arrangement. It was then necessary to take a greater view, and to provide for his majesty's affairs by a permanent settlement. To that period he wished to call the attention of the committee; and he would show that what he now proposed was not the infamous measure which the noble lord represented it, but was one which had already been recognized by the three branches of the legislature. By the act then passed (the 52nd of the king) three commissioners were appointed, in whom was vested the entire property given by the act of the 39th and 40th, without reserving to parliament any right to interfere with it. Each of these commissioners was made to take an oath before entering on the duties of the office, binding himself not to disclose any thing as to the property of his majesty, to any person, or on any occasion, excepting only in defence of that property in a court of law. And so imperative was the act as to the secrecy of the commissioners, that if the Speaker were to issue his warrant to them, or any of them, requiring a return of any part of that property, the answer to it must be, that it could not be obeyed. This provision of the act showed that there was a distinction taken by the legislature between one description of his majesty's property and the other. That part of it which was secured to him under the act of the 39th and 40th, was treated as sacred, and not amenable to any disposition by parliament. But then the privy purse remained to be regulated for the future; and it was not treated like the property vested in the commissioners. The committee would see how very differently the privy purse was regarded, both in the 51st and the 52nd of the king from the property, the result of former accumulations, which was held thus sacred. The payments charged on the privy purse at the passing of the 51st of the king, were 15,000*l.*, in yearly payments, and 4,200*l.* quarterly, making about 32,000*l.* a year in round numbers. The 52nd of the king looking back to the 51st of the king, ordered repayment to be made from the saving under that act. It had been found that the quarterly payments were calculated on too low a scale, and a deficiency of some thousands which had occurred was ordered to be made good from the former savings. The permanent allowance for quarterly charges was increased to 4,900*l.* per quarter, which payments were on account of a waste which his majesty had been in the habit of pursuing step by step, and which was continued in the same manner. The annual charge was thus raised to 35,000*l.* From the commencement of his majesty's illness a heavy charge had been incurred on account of medical attendance, which during the first year had been paid from the droits of Admiralty, or some other source, as it was not expected to form a permanent burthen. At that time the charge was more heavy than at present, because the daily attendance of all the physicians was then thought necessary, whereas at present, a less constant attendance was sufficient. It was not expected that the country could supply this charge by new grants, and it was cast upon parliament to make provision for it. The manner in which parliament did it was this. The act recited that whereas it was expedient to defray the charge of medical aid and advice, and whereas it was "reasonable that those expenses should be paid out of the privy purse." Now, he would ask how any gentleman could say that it was reasonable to burthen the privy purse for one purpose connected with the care of his majesty's person, and infamous to burthen it for another? And not only was it deemed reasonable to burthen the privy purse prospectively for this purpose, but the savings under the 51st of this were made available for it;—the very sums which were directed to be vested in trust for his majesty were taken back. This was more like an infamous measure than that which he proposed, and it was hard that a minister who had acceded to such a measure as this, should

upbraid him (Mr. T.) for following him at an humble distance.

After the charges of 15,000*l.* a year and 4,900*l.* per quarter were defrayed, and the expense of the physicians answered, it was directed that the surplus, "if any" should be vested in the commissioners for the care of the king's private property. "If any," it should be remarked, was the expression; so that parliament then thought that it had taken the whole of this fund. But it might be supposed, that when the surplus was once in the hands of the commissioners, it was sacred No!—so closely did parliament follow this privy purse, of which it conceived that it had the whole dominion, that it was directed that if the expenses of one year should absorb more than the fund of that year supplied, those commissioners sacred as they were, and protected by their oaths, should repay the surplus of former years which had been entrusted to them. He wished to ask an hon. and learned gentleman whom he saw taking notes, whether the act which appointed the commissioners for the care of the king's private property, and which declared that they should have no authority over money which had been used to be issued under the sign manual, and countersigned by the lords of the treasury (which was the description of the privy purse) might not be taken to define the limits of the private property of the king. The other acts which he had referred to only required common sense to interpret them, and showed plainly that parliament had conceived this privy purse to be subject to its entire control. It might be asked, as he were willing to throw these charges on the privy purse, whether he would have the Windsor establishment charged upon it? He should answer, he thought parliament had a right so to charge it; but that it would indicate a want of good taste at least to make such a proposition. It was the duty of parliament, as long as their beloved sovereign lived—as long as the remembrance of his virtues remained, not to deprive him of any thing which could in the slightest degree add to his comfort or convenience; more especially under the calamities of his present situation. He and his friend would say to his majesty, if happily his majesty were in a condition to attend to their representations, "We are most ready to supply your majesty with every thing which you can desire. We would not leave any inclination which would tend, for an instant to alleviate your sufferings or add to your pleasures, ungratified. You shall have all you can wish; but then we implore your majesty not to become a miser—not to hoard up property which we can but badly spare, to be given hereafter to God knows whom." They would go as far as any hon. members on the opposite side to grant all, not only that might be considered necessary, but even all that gewgaw and state which it was thought his majesty might be pleased with at Windsor; but then they thought that where there were ample private funds the public burthens ought not to be increased by being saddled with the expense. And, to ask a very natural question, to whom was this private property to belong? It was no secret that the king had made no testamentary disposition. It was now out of his power to make one. The property, therefore, left by him went to the Crown. Was it then reasonable for the sovereign, or would he wish to burthen his people now to make a purse for his successor?—He asked whether it was ever contemplated that the property of the privy purse, which was originally destined for the maintenance of the dignity of the throne, should be subject to the testamentary disposition of the reigning sovereign, whether, for instance, the savings of the privy purse of the king, or those of the savings of the Prince Regent acting in the name and on the behalf of his majesty (for the committee should recollect that the country had now to pay two privy purses) were intended to accumulate, in order to form a fund for the benefit of the successor to the throne? No one, he thought, of any consideration, would give an affirmative answer to those questions, especially where, instead of subjecting the surplus of those savings to, or the payment of a sum deemed necessary to the care of the royal person, it was proposed to throw the burthen upon that public from whom the privy purse of both the sovereign and the Regent, was derived. He remembered when the act, the 39th of the king, was about to be passed, an hon. friend of his opposed it; and he gave as the grounds of his opposition, reasons which, though not attended to at the time, he (Mr. Tierney) had never since heard satisfactorily answered. He objected strongly to it, on account of the danger which he proved might arise from the circumstance of allowing the Crown to amass private property, as it would tend to lessen its

dependence upon the people. He did not deny that the sum demanded should be given; but what he contended was, that according to the plain construction of the act, according to common justice, it should be out of that fund which had, he might say, been in some measure appropriated for such use. The noble lord had asked, whether in giving the allowance to his royal highness the duke of York, they would treat him as a nurse attending a sick-bed. He (Mr. Tierney) would do no such thing; he would give to his Royal Highness every penny of expense to which as *custos personæ*, he would be put; but he would give it from that fund from which alone it should be taken; and if his Royal Highness was made to appear in any point of view not accordant with his high character, and well-known attachment to his illustrious parent, it was the noble lord and his colleagues he had to thank for it. The impropriety of casting such a burthen upon the people, was the more obvious when it was considered that the sum to be provided was for the charge of the *custos personæ* of the king. This was, indeed, a charge to which the privy purse was peculiarly liable, because that purse was originally created for the comfort and convenience of the king, and therefore the *custos* of the royal person ought to be paid out of it. The noble mover had asked, whether there was any precedent for such an appropriation of private property? and he (Mr. T.) would answer, yes; in a court of equity. For there, in all cases where it was necessary to appoint a committee or *custos* for the person of a lunatic, the expense attending such appointment was ordered to be defrayed out of the private property of such lunatic. But, in the name of common sense, out of what other fund should such expense be provided? Could the private feelings of the king be ascertained upon this question, he had no doubt whatever that his majesty would decide, that any expense incurred for the care of his royal person should be paid out of his own private property, rather than out of the public purse, especially at a period when that purse was already overburthened with other charges. He indeed assumed, that if there were a surplus of the private property of the king, the noble lord himself would rather have that property saddled with this charge than have it transferred to the public. If what he had advanced was admitted on the other side; if the principle of his amendment were thus agreed to, he wished to know what it was the House were discussing. His continuing to engage their attention would be wholly unnecessary. The only argument he had to make out was the propriety of taking the sum mentioned from the privy purse. He wished to know from the noble lord, whether he was right in his understanding or not?—[A voice from the ministerial side of the House, replied "No." That being the case, he should feel it his duty to propose an Amendment to the noble lord's first proposition, namely, that after the words 50,000*l.*, it should be inserted as follows:—"That any surplus arising out of the revenues of the duchy of Lancaster, and the sum of 60,000*l.* a year granted to the throne as a privy purse, according to the act of the 52nd of the king, should (after payment of the sums already charged thereon) be applied to defray the expense attending the care of his majesty's royal person."

The noble lord, in the course of his speech, had, in a tone of peculiar rant called upon the new parliament to show its disposition to that country which would as the noble lord said, judge of its character by its decision upon this question. He (Mr. T.) would also call upon the new parliament to display its character to the country by its conduct in this instance. There was not, he was sure, an individual in the country who would not be ready to grant even more than he could afford for the comfort of his sovereign, but knowing that disposition, it was the bounden duty of that House to take care that the property of the public should not be wantonly trenched upon. He hoped that duty would be attended to by the new parliament in despite of the threat of infamy so extravagantly thrown out by the noble lord. But if the parliament would do its duty by rejecting this proposition, they could not apprehend any infamy. In such an event, he would leave it to others to find out where the infamy would attach.

But notwithstanding this threat, he would ask, whether the noble lord would not himself have shrunk from this proposition, if he were not impelled to bring it forward by superior necessity? Were the noble lord, indeed, left to his own discretion, he had little doubt that the committee would never have heard a word of this proposition; but the noble lord was urged to incur the responsibility by some authority which he could not conveniently

withstand. If it were proposed to defray the expense of the grant to the *custos regis* out of the privy purse, as it ought, he was sure that all parties would have been satisfied, and that no dissention would have arisen upon this subject; but on the contrary, the noble lord and his colleagues had thought proper to decide, that the only member of the royal family who had heretofore been spared upon pecuniary questions, should be dragged into discussion in that House, thus contriving that the popularity of the royal family should be placed in jeopardy—that its disinterestedness should be exposed to question—that its reputation should be subjected to suspicion. Such, indeed, was the tendency of the conduct of the noble lord and his colleagues, while the noble lord himself, in such a tone of extravagance expressed his solicitude and reverence for the character of that illustrious personage. But how had the noble lord and his colleagues invariably acted towards the royal family?—Last year they proposed a large outfit for each of the royal dukes, upon his marriage, with an annual revenue of 12,000*l.* What was the result? A discussion which ought to have been avoided took place, and they (ministers) were afterwards glad to take half the original sum. The outfit was altogether abandoned, and not more than the sum of 6,000*l.* a year was ultimately granted to any of those illustrious personages. But he would ask, whether the royal family came out of the discussions in which they were involved by ministers upon that occasion, as their real friends must have wished?—Did not their character suffer in public estimation by such debates? It might be all very well for the noble lord and his colleagues. Whatever they might bring upon others, they contrived to keep their places and to stand their ground. But after all these proceedings, did the monarchy stand where it ought?—The members of the royal family were not like persons who might regard character as of little value, compared to the retention of place, for the character of the royal family was essential to the stability of the monarchy, and ought not to be hazarded for any purpose of temporary convenience or paltry lucre. The ministers, indeed, who placed this illustrious family in such a situation as to provoke the danger of any public censure, incurred a most serious responsibility. The noble lord said that the duke of York did not wish on his own account personally to have the 10,000*l.* He perfectly believed this. But yet for all that ministers came to parliament for this sum. They had brought the thing forward, and were resolved to defend it—and if they did defend it, the duke of York would get nothing—that would be the end of it. Let the country look at all the great sums that had been voted to the various members of the royal family since 1811, and when they did so let them say if it was not cruel to place any member of the royal family in such a situation as the duke of York now stood. The Prince Regent had in 1811 a grant of 60,000*l.* a year for his privy purse, in addition to which 10,000*l.* a year had since been voted. The king had also a privy purse of 60,000*l.* a year, with an additional revenue from the duchy of Lancaster, which made up more than 70,000*l.* There was thus a private property belonging to the Crown of 140,000*l.* a year, and surely it was not too much to say, that out of this sum the proposed grant should be defrayed for the care of the king's person. But in addition to the grants which he had stated, there was a large vote to the Prince Regent, as Prince of Wales, out of which 50,000*l.* a year was set apart for the payment of His Royal Highness's debts; which after all, be it remembered, were discharged by the public, while there was also an allowance of 35,000*l.* a year for the maintenance of the princess of Wales. And yet with all these vast sums, the noble lord came down to parliament, and said, "Give us 10,000*l.* more, and if you refuse to give it us, you do that which is infamous." Such was the conduct and such the language of his majesty's ministers. Nothing could now induce him to refrain from taking the sense of the committee upon this question—not only with the view of averting any new burthen from an oppressed people—but actually to prevent their being insulted at the hands of his majesty's ministers. He was speaking with warmth, but warmth was excusable when alluding to such expressions as the noble lord had used. He would no longer detain the committee. He had shown that the privy purse was not that private sort of fund that burthens could not be thrown upon for the care of his majesty's person; and the only question was, did not the sum to defray the expenses of the *custos* come under that description? Though the sum in dispute here was small, the question which it involved was one of the utmost

importance: it was connected closely with the constitutional law of the country and it came home to the most powerful feelings of a people, who, while labouring under their burthens, were insulted by such expressions as those to which the noble lord had resorted. The right hon. gentleman concluded with proposing his amendment.

Mr. *Peel* observed, that he felt as any man ought, the disadvantage of immediately succeeding the eminently able individual, who had just addressed the Committee. He would not follow the right hon. gentleman into all the parts of his speech, embracing as it did, observations on all the resolutions before the committee. He was anxious, however, to say a few words in reply; and he offered himself thus early to the notice of the committee, because he was conscious of his own inability to command attention, if he postponed the few observations which he had to make till its patience had been exhausted with the length of the debate. Notwithstanding the display of ingenuity made by the right hon. gentleman, notwithstanding the closeness with which he had discussed the subject, and the great knowledge he possessed on all such questions as the present, he still retained the opinion with which he came down to the House, namely, that the privy purse could not with propriety be applied to defray the expenses of the *custos* of the king's person. He was still, of opinion, that the proposition of the right hon. gentleman, so far as regarded its principle, implied an unreasonable and unjustifiable interference with a fund to which parliament ought not to resort: that, so far as regarded the particular case in which the principle was applied, and the use for which the money was to be taken, it was indelicate and ungenerous, and that as far as it involved a violation of private property, and of vested rights, it would authorize the greatest injustice, and lead to the greatest dangers, without being in the least redeemed by the sordid gain that might accrue from the paltry saving. The right hon. gentleman in the course of his speech, had directed his sallies against ministers, for measures unconnected with the present. Into such topics he would not follow him, but allow their defence to be made by others more competent to the undertaking. He would endeavour to discuss the question with moderation and calmness; and in replying to a speech where the right hon. gentleman had promised a spirit and a temper of discussion which he had not steadily maintained, he would attend to his argument, rather than endeavour to imitate his example. He was far from comparing himself with the right hon. gentleman for knowledge or talent; he was conscious of his own immense inferiority, and of his inability to contend with him, unless he derived strength from his cause. "Infelix et impar congressus Achilli." But though thus unequal in power, he did not hesitate to enter the lists, and anticipated success in replying to the arguments of the right hon. gentleman. The right hon. gentleman had truly said, that for the purposes of this argument, it was necessary to define what was called the privy purse; but, in entering into a history of it, he had made statements on which a part of the fallacy of his reasoning depended. The act of the first of the king, which settled the civil list, had been stated by him and truly, as making no allusion to any head of expense, or any fund called the privy purse. The acts of the 39th and 40th of the king had, according to the right hon. gentleman, mentioned the privy purse, but had fixed it at no definite sum. "That sum," said he (Mr. Tierney), "was not mentioned till the 51st of the king, or the year 1811." Now in these statements there were several misstatements of facts. If it should be made appear that a distinct parliamentary grant was made and recognised before 1811, under the head of privy purse; if that grant was the same as now, namely, 60,000*l.*; and if after the act of 1811 parliament had again confirmed and determined it, he would ask, would not an interference with it be a violation of private property? Now he would only beg leave to remind the right hon. gentleman and the committee, that there was such an allowance before the act of 1811: that between the 1st of the king or the year 1760, and the 51st or 1811, Mr. Burke's bill regulating the civil list had passed; and in that bill, which received the sanction of law in 1782, a head of expense, under the title of privy purse, was distinctly recognised. That bill directed that estimates should be made out of the different expenses with which the civil list was burthened, and in these estimates was included the sum of 60,000*l.* for a privy purse. Nay, more, this grant was distinctly admitted by parliament, in the interval between the passing of the act of

1782, and the year 1811. In that interval, the king had been subject to the same malady with which he was now afflicted; and a bill was introduced in the 29th of his reign, for the care and custody of his person, which had not indeed passed into a law before his happy recovery, but which had distinctly recognised a privy purse. He might refer to the resolutions brought forward by Mr. Pitt in the House of Commons, on which resolutions that bill was founded, as conclusive evidence on the subject. One of these resolutions, was that the power of the Regent appointed to administer the government, should not extend over the privy purse, or interfere with his majesty's private property, unless with the single exception of renewing leases. This same set of resolutions directed, that 60,000*l.* should be given annually to the keeper of his majesty's privy purse, to be applied to the uses of his majesty. It stated the heads of some of the charges upon it: the sum of 12,000*l.* was directed to be given as wages or pensions to the old servants of the king, who were the objects of his bounty; other sums were destined for charitable purposes; and the surplus was ordered to be handed over to commissioners, to be invested in the public funds for the use of his majesty. Thus, before the year 1811, a privy purse was distinctly recognised by the legislature, and the act of that year did nothing but repeal the provisions of former grants. But the right hon. gentleman had argued, that in the act of the 52d of the king, parliament had interfered with that fund, and consequently had not treated it as private property, which it would be improper to interfere with on the present occasion. He grounded this argument on the fact of the act, which not only directed the pensions and charities with which his majesty himself had burthened the fund, to be paid out of it, but had ordered that the fees of physicians and all the medical expenses should be defrayed from the same source. The right hon. gentleman had quoted the words of the act, which stated that "it was reasonable" the physicians should so be paid; and if it was reasonable that they should be so paid the right hon. gentleman asked why the *custos* ought not to be paid in the same manner. He would tell the right hon. gentleman that there were two reasons why the medical attendants were paid out of the privy purse rather than out of any other fund, and those reasons did not apply to the *custos*. In the first place, his majesty was always able, and would always have been willing, to pay his medical attendants, out of his private property. Parliament, in this case, merely acted as the interpreter of his majesty's wishes. And why did not the act of 1811 order the physicians to be paid out of the privy purse, as the act of 1812 did? The reason was plain, on this supposition—at the first period mentioned, hopes were entertained of his majesty's recovery, and the remuneration of his physicians for their attendance on him was left to himself; but in 1812, when the unrestricted regency commenced, the hopes of his recovery were very much diminished; and accordingly, by the act of that year, the privy purse was permanently burdened with the expense of physicians. Thus could it be explained why parliament interfered in 1812 with the privy purse, for the payment of the king's medical attendants, without authorizing a similar interference now, for defraying the expenses of the *custos*. If the principle was the same in both cases, why did not parliament, in 1812, charge the expenses of the *custos* on the same fund? Why did not the right hon. gentleman come forward with his proposition then? Why did he not urge then the arguments which the House had heard to-night? Why did not he, and the friends with whom he acted, urge the House then to grant the 10,000*l.* to the queen, out of the privy purse? They might not have succeeded in persuading parliament to adopt their views then, any more than he hoped they would do now; but they might, at least, have recorded their opinions on the Journals of the House. But what was the course which the gentlemen in opposition then pursued? It would be recollected that Mr. Perceval then proposed a committee to inquire into the civil list, and particularly the disposal of the privy purse. In that committee were included the names of two gentlemen who could never be mentioned in that House without respect; one of them a man of striking eloquence, of great talents, and long distinguished for his opposition to his majesty's ministers; but they refused to act. Mr. Sheridan and Mr. Adam considered the privy purse as so private, so sacred, and so inviolable a fund, that they could not induce themselves to inquire into it [loud cheers]. "If," said Mr. Peel, "what I have heard from the other side be meant as a cheer of derision at the name of Mr. Sheridan, I must say

that I could not expect such an expression towards an individual who was one of the most able supporters the party from which it proceeded ever had the honour to possess, while he was, by universal confession, one of the greatest ornaments of whom that House and the British empire ever had reason to be proud." Why did the members of opposition, then, not support the necessity of inquiry against the two right hon. gentlemen whom he had mentioned? Why did they then not come forward and expose the errors of their friends? Why did they not boldly advance, and declare, that "so far from considering the privy purse as a sacred fund, clothed with the rights of private property, we shall institute the strictest inquiry into its past disposal, and take the utmost freedom with its future destination: not only the physicians should be paid out of it, but 'it is reasonable' that the expenses of the *custos* also should be charged upon it." But to show that the *custos* ought not to be paid out of it, though the physicians might, let the House consider the nature of the office. Was it not one of great dignity and authority? Why, otherwise, appoint a council to the *custos*, of the highest characters in the country? Nay, of so much importance was that council considered, that it was proposed, in opposition to Mr. Pitt, when the first regency bill was introduced, that the royal dukes should be nominated members of it. Did not this take it out of the character of one of those offices which could be supported by the private funds of his majesty, and make it one of importance in the state? If, then, when parties ran high, it was never proposed to interfere with the privy purse, for a purpose like that now proposed — if the 60,000*l.* was then a sum considered as peculiarly appropriated to his majesty for his private use—if after he recovered from his former malady, he saw that it had been held sacred, and had been protected from violation, had not his majesty a right to expect that it would always be so; and that he was at full liberty to dispose of it as he pleased, without the possibility of alteration being made in any arrangements that he might sanction with regard to it? And would it be fair, would it be just, to interfere now, to disappoint expectations so reasonably formed, or to alter dispositions made on such prospects of permanency? The right hon. gentleman had gone into an argument, and stated a distinction to which his noble friend had not alluded. The right hon. gentleman had stated that the funds were of two kinds; 60,000*l.* accruing from the grant of parliament, and 10,000*l.* from the revenue of the duchy of Lancaster. The amount was thus 70,000*l.*; but what were the burdens with which it was charged? The payment of medical attendance was 28,000*l.*; the sums given in pensions, salaries, charities, and under other heads, by his majesty, amounted to 30,000*l.*; so that here 58,000*l.*, or nearly the whole of the grant of parliament (60,000*l.*) was disposed of. If these charges absorbed the whole of the 60,000*l.* granted by parliament, except 2,000*l.*, whence were the 10,000*l.* to the *custos* to come? Were his allowances to be imposed upon the revenue of the duchy of Lancaster? But these revenues were not a parliamentary grant; they did not depend upon parliament at all: they had been in the power and at the disposal of the Crown ever since the reign of Edward 4th. They were as clearly private property as the estate of any gentleman was his private property. If, then, that House had always protected private property—if it had always supported vested rights—if even when the grant had taken place in times of trouble and disturbance, it guarded it from violation on account of its prescriptive duration, would it not reject a proposition like that of the right hon. gentleman, as destructive of the wise and just principles on which it had formerly acted? Would it not do so with the more alacrity, when it considered that the privy purse was formerly regarded as so sacred in the most stormy periods of party warfare, that it had never before been attempted to be violated by those most in the habit of opposing ministers? In the first chapter of the first of the king, the act was found regulating the civil list, intituled "An Act for the Support of his Majesty's Household, and of the Honour and Dignity of his Crown." The preamble to that act, which was expressed in beautiful and affecting language, stated the feelings with which his majesty's faithful Commons of those days regarded the provisions proper to be made for their sovereign, and the light in which they viewed his private property. After enumerating certain duties granted for the support of his majesty's household, and the dignity of the Crown, it added, "and whereas your majesty has been graciously pleased to signify your consent to

your faithful Commons in parliament assembled, that whenever they should enter upon the consideration of making provision for your household, and the honour and dignity of your Crown, such disposition might be made of your majesty's interest in the hereditary revenues of the Crown, as might best conduce to the utility and satisfaction of the public, thereby giving the most substantial proof of your tender concern for the welfare of your people, and that the same is superior in your royal breast to all other considerations: we your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, with hearts full of the warmest duty and gratitude, are desirous that a certain and competent revenue for defraying the expenses of your majesty's civil government, and supporting the dignity of the Crown of Great Britain during your life (which God long preserve), may be settled on your majesty, and that your majesty may be enabled to make an honourable provision for the royal family, as a testimony of unfeigned affection to your sacred person, by whose happy accession to the throne your majesty's subjects have the strongest assurance that the religion, laws, and liberties of this realm will be continued; and that they, your said subjects, and their posterity, may, through the Divine goodness, enjoy every blessing under your majesty's auspicious reign, have, therefore, freely and unanimously resolved to grant unto you our most gracious sovereign lord king George the third, a certain revenue, payable, &c." This was a part of the preamble of the first act passed in his majesty's reign; and should the present act be the last, God forbid that by adopting the proposition of the right hon. gentleman, its preamble should form a contrast to the loyal and affectionate preamble which he had quoted, and should run thus: "Whereas, during your majesty's long reign, we your majesty's faithful Commons have enjoyed, under your majesty, the protection of the religion, laws, and liberties of this realm; and whereas, by several acts, passed during the reign of your majesty, your faithful Commons granted certain revenues for the support of your civil establishment, part of which it has resumed; and whereas, out of these sums so granted, a little still remains at the disposal of your majesty; we your majesty's faithful Commons, in the 59th year of your reign, approach your majesty's sacred person, begging leave to appropriate that said remaining revenue for other purposes than those for which it was originally granted." Would the House of Commons give ground for a preamble like this? Would they sanction a violation of private property to support a public office? Would they offer to his majesty's Royal son, a grant from a fund which his Royal Highness thought it indelicate to touch, and which he declared he would not receive?

Mr. *Bankes* strongly protested against the expressions used in the latter part of the noble lord's speech, respecting the "infamy" that would attach to the circumstance of paying the *custos* of the king's person out of the privy purse; he denied that there was any think of a sacred character appertaining to the property belonging to the king, and ridiculed the absurdity of supposing that any thing that once entered the king's purse, could never be touched by parliament. Gentlemen might differ on this question, without giving cause for any impeachment of their loyalty. He was surprised, for the first time since the question was originated, to hear the argument of his right hon. friend who had just sat down, and of whose talents and eloquence there could be but one opinion in the committee, going to this—that the 10,000*l.* was to be considered as private property, and therefore not to be within legislative control. If he was to believe the doctrines of his right hon. friend, all the revenues of the Crown must have formerly been private property. The duchy of Lancaster was not private property, as was seen in this, that the king could not dispose of it. The noble lord had talked a great deal about producing universal alarm in the country by attacking the principle of private property in this proposed abstraction from the privy purse, and he (Mr. Bankes) had not been a little surprised at that observation, because only about a week ago in the committee, as well indeed as in his speech, on introducing to the House the subject of the Windsor establishment, the noble lord had not touched upon, or even hinted at, such an objection. He begged to know why the noble lord, or those who were in office in 1812, had not started it. Yet the proposition on the regency then, was considered a cabinet measure, and the lord chancellor had been consulted as to the law of the question, and had not al-

luded to such an obstacle. Did it never occur to them, that the payment of the physicians out of the privy purse was equally an infringement upon a vested right? Then, however, the noble lord indulged in no fears lest the country should be alarmed at the unprecedented invasion. If it were an invasion, which he did not admit, at least it now was precedented, for he could discover no shade of difference between the proposal now made by his right hon. friend and that which parliament had carried into a law in 1812. The two cases were in fact most strictly analogous. The noble lord had used large words and hard words; but the quotation with which he had concluded, "Nolumus leges Angliæ mutari," was singularly inapplicable; for it would be departing from what had been established as law in 1812 to refuse to pay the 10,000*l.* out of the surplus of the privy-purse. His right hon. friend who had just sat down, thought that he urged a most triumphant argument, when he said, that parliament had never dreamed of taking the 10,000*l.* from the privy-purse during the life of the queen; but he (Mr. Bankes) could never comprehend why it had not been so deducted, even in 1812. It seemed the only proper fund from which it could be taken; and if it had not then been suggested, perhaps many members were influenced on that point, as well as in respect to the amount, by the veneration they entertained for her majesty, whose domestic virtues had so endeared her to her subjects. The grant of 10,000*l.* at that time was deemed extravagant by some; and the words of the preamble of the Regency bill were unquestionably absurd, because no one had ever pretended that the sum was given for the purpose there stated. Mr. Perceval had himself stated that if the 10,000*l.* were not given to the queen as *custos*, her majesty might perhaps be entitled to put in a claim for jointure, so that the nation was a gainer by the grant. He hoped that the noble lord would not deem him a spoiler of private property, because he voted for the amendment; but he must say, in conclusion, that from what passed only a week ago, he had been little prepared to expect that the noble lord would pursue the line of argument he had that evening adopted.

Mr. *Wilmot* considered this in no view a question of economy, but of positive law: the committee were not called upon to decide at how cheap a rate they could contract to keep their king, but whether, in the proposed amendment, it would not be guilty of the violation of a vested right. The dignity and the responsibility of the situation of *custos*, convinced him that the duke of York could be contemplated in no other light than as a public officer, and consequently that he ought to be paid by the public. Whether 10,000*l.* a year was or was not too much, was not the question: the point in difference was, whether the country ought to be relieved in the mode proposed, by requiring parliament to dip its hands into the pocket of the sovereign. Notwithstanding the distresses of the times, he by no means considered the 10,000*l.* as too much for an officer of such vast importance. If even the remuneration had been greater, he would have readily given his consent to it. The hon. member professed his independence; stated that he belonged to no party, but that he thought it his duty to give his vote in favour of the measure. He was a strenuous friend to economy; but while, on the one hand, he was anxious for the relief of the country, he was on the other equally anxious that there should be no violation of the faith of parliament; and he contended that it would be a most dangerous precedent were the legislature to interfere with admitted private right.

Mr. *Martin*, of Galway, begged to be understood as cavilling with no unintelligible proposition. What he sought, and what he was determined upon was, to give to the duke of York for the responsible duties which he undertook, not an ambiguous claim on his father's property, but a solid and substantial grant of 10,000*l.* per annum; because he thought his royal highness deserved it. He offered it on the part of his constituents, and if he took it out of the privy purse, it would not be given in the way which his constituents desired. Was it fit to give away the property of another? Ought ministers to listen to those who told them "commit a robbery, and we will lend you our assistance." He would be bound to say, that if the subject were fairly canvassed at Covent-garden hustings, the whole multitude would concur in the justice of the vote. He was not afraid of saying so; he knew that a general election was near, but he was persuaded that he only spoke the national sentiment.

Mr. *Protheroe* differed entirely from the hon. gentleman who spoke last but one. It was impossible, in considering

this question, not to advert to the actual state of the country, and to remember that every possible saving of the national expenditure was a duty. He would willingly have given his support to the noble lord, if he had been convinced that private property would be violated, or private rights invaded, by the amendment. The communication which the noble lord had made from the duke of York was of a most extraordinary nature; it had always been considered a gross breach of privilege in any member to attempt to influence the votes of the House, by employing the name of the sovereign; and surely the threat held out by the duke of York could be held scarcely less a breach of privilege, if indeed it ought not to be viewed in the light of an insult. It had been said, that a king had no friends, and the experience of to-night showed that a prince had no friends. Had the duke of York possessed a single friend, this debate would never have occurred. Most certainly the House and the country had expected a communication of a very opposite nature: till now a conviction had been felt that the duke of York would have looked for his reward in the discharge of his pious filial duties, and that he would have rejected with disdain a pecuniary remuneration to be taken out of the drained pockets of the people. Little, indeed, had it been expected, that his royal highness would have converted his bounden duty as a son into a source of mercenary profit.

Mr. *Huskisson* declared, that he had listened with the greatest attention and utmost impartiality to all that had been offered on both sides of the House, and he was persuaded that the supporters of the amendment founded their arguments on an erroneous view of the subject. Before he proceeded, he wished to advert to what had fallen from the hon. gentleman who last spoke. He had complained of a breach of privilege; but he had not supported his complaint either by argument or proof. Next, he had said that the duke of York had no friends, because the motion was persisted in. Had not the communication been made, and the claim made, his royal highness might indeed have said that he had no friends. It was his royal highness's duty as a subject and a son, not to accept the grant out of the privy purse. Admitting, for the sake of argument, that the House had overstepped the fit line of private property on previous occasions, it was now the more fit to return; all encroachments made for temporary purposes were to be looked at with jealousy and suspicion. It had been truly said, that the mere money, the 10,000*l.* was a paltry consideration compared with the great principle that was involved in it. The question was, whether the barriers of private property should be broken down; whether the private personal estate of his majesty should be assailed; whether vested and recognised rights were to be invaded? There were three points on which all men must make up their minds before they arrived at a conclusion—1st, whether the savings of the privy purse were to be considered the private personal property of the king; 2dly, whether the office of *custos* was one of a public nature; and, 3dly, whether the duke of York, if invested with the office, as a public officer, ought to be paid out of the king's private funds? At the beginning of his majesty's reign no question could have arisen, because the whole of the civil list was at the disposal of the Crown. Parliament had no means of ascertaining either its amount or disposition; but the king resigning this power, had had conferred upon him the privy purse, the savings of which were to be deemed the disposable property of his majesty: it belonged to him and his successors just as much as the property of any private individual. In 1812, by means of a committee appointed under peculiar circumstances, parliament had ascertained that the surplus of the privy purse had been disposed of in various ways, but chiefly upon objects of charity and benevolence; and in the Regency act, it had been directed that the physicians should be paid out of it, for the plainest of all reasons—because the king had constantly done so up to the hour of his visitation. The hon. member for Corff Castle had said a great deal about the provisions of that bill, but he (Mr. Huskisson) did not recollect that in 1812, that hon. gentleman, whose economising spirit was so well known in the House of Commons, and had been of so much advantage to the country, had stood forward to move for any deductions from the privy purse; he had not then contemplated the necessity of taking the 10,000*l.* allowed to the queen from the privy purse, though he now so strenuously supported the proposal for that purpose; yet at that period the hon. gentleman was probably as much

alive to the necessity of economy as at the present moment. With regard to the office of *custos*, it was one of the highest duties and of the heaviest responsibility; it was second to none but to that of the regent; and in considering this subject, he entreated the House to recollect, that though a regency had been established, it was but a delegated power, and that the king was still king, and was attended by the love and the regrets of a grateful people. On this account the situation of custos ought not to be looked on as a private office; it was not distinguishable from any other office in the Windsor establishment, excepting by its superiority and general control: in principle, however, it was the same, and it ought to be paid in the same way. It was useless to repeat the arguments so ably urged against those who insisted, that by taking 10,000*l.* from the privy purse, private rights and property would not be infringed; in fact, they had remained, and would remain, unanswered. However some hon. gentlemen might object to the communication made by his noble friend, it had given him (Mr. Huskisson) great satisfaction: for his own part, he would rather reject the grant altogether, than derive the money from a fund which ought never to be touched; he preferred the minor injustice of not compensating his royal highness at all, than the greater injustice of employing the privy purse in making that compensation. He called upon parliament to protect the honour of the duke of York—to protect its own honour, by acceding to the resolution of his noble friend, without breaking in upon vested rights, and applying to a source to which, for national purposes, no resort ought ever to be had.

Mr. *Hume* rose amidst loud calls for the question, and was for some minutes inaudible. If, he said, he had any knowledge of the feelings of the illustrious personage so often alluded to, he never could have authorized the statement they had that night heard from the noble lord, namely, that it would be derogatory to his royal highness's honour to undertake the duty of superintending the treatment of the king without his being paid for it [Question, question!].—He was extremely sorry that the House would not extend their patience for a few moments. He himself had listened with great patience to all the gentlemen, and he trusted they would hear him. He was quite sure that his Royal Highness would perform the part of a dutiful son to his afflicted sire, without the incentive of being remunerated for it. What was the British parliament now called on to do? To take 10,000*l.* a-year from the hard-earnings of the distressed people, in order to put it into the privy purse; for to burthen the public with an expense that ought to be incurrred by the Crown, was putting the people's earnings into the privy purse. It was to this proceeding that the public were looking, as an earnest of what was to be expected from parliament on the score of economy. These might be unpleasant truths, but they ought to be heard. After the declaration made by the noble lord, and the law subtleties in which he dealt, he still looked to the stand made by his right hon. friend, not one of whose arguments had been answered. They were pulling down the pillars of the constitution, in order to strengthen its Corinthian capital. He would repeat it, that they were proceeding to levy 10,000*l.* a-year upon the pockets of the people to put it hereafter into the purse of the prince. Whilst the subject was still before them, he wished them to consider the effect of their decision on the public. He, for one, would never be privy to such an act; and should sit down protesting against a measure so contrary to the public feeling, and so unauthorized by the royal duke.

Lord *Compton* said, he felt the necessity of an adherence to economy, but still there were measures of economy which the House could not adopt, and he considered the present to be one of those. It was evidently a doubtful point whether the privy purse was not in reality the private property of the Crown; and while only a doubt rested on this point—while the balance might be described as still trembling with fate—he was sure the House would not trench on the sacred rights of sovereignty in the person of a monarch, whom all parties in that House, whatever were their differences, had so long loved and revered. Never, he was confident, would they interpose between their sovereign and a few thousands per annum. He, therefore, for one, was prepared to vote for the proposition of his noble friend. If, indeed, that sovereign were seated at this moment on his throne, exercising his functions, enjoying his ancestorial rule, and capable of calling on his people, it would remain with them,

although some hesitation were experienced, to answer the call. Very different was the situation of our afflicted monarch! When, therefore, he reflected on his melancholy state, he considered it happy for the House, that they had found an opportunity of testifying their unabated attachment to the person of their venerable and beloved king.

Mr. *Mansfield* said, he had no reason to suppose that the House, by neglecting their duty to the people, were at all evincing their loyalty to the venerable and afflicted monarch of the country. He lived among a class of persons who were suffering under the severest pressure of distress, and he could not therefore think, that by voting for the original motion, he would be doing his duty, as he saw no consistency in giving this grant, especially after the repeated declarations made about economy and retrenchment. He had the highest respect for the character and talents of the duke of York, and, at the same time, he felt all that attachment which a subject could feel for the venerable monarch who had so long, so ably, and so faithfully presided over the affairs of this kingdom; but he felt, at the same time, that he had an imperative duty to perform to his constituents and the public; and it would well become the House to reflect, that they had their duty also to perform to the public, as well as their loyalty to evince to their sovereign and his illustrious son.

Mr. *Wilson* said, that the question then before the House was certainly one of the greatest interest. He was perfectly aware, that the eyes of the public were fixed upon the House, on the present occasion. He was not ashamed, however, to say, that he was not to be always bound by the popular opinion, as he anxiously wished to act on candid, liberal principles; but he must say, that on the present occasion, he should unquestionably vote against the measure proposed by ministers, and give his hearty support to the Amendment.

Mr. Alderman *Waithman* rose amidst loud cries of question, and observed, that if a future occasion should present itself, it was his intention to deliver his sentiments fully on this question. That future opportunity, however, he hoped would not occur, but that the subject would be set at rest by the vote of the committee. He had only one remark to offer at present, and it was this, that he could not suppress the indignation with which he had heard it stated, that the duke of York was ready to take 10,000*l.* a year, provided the money should come out of the pockets of an impoverished people, but that he would not accept it if taken from the privy purse [Hear, hear!].

Mr. *Hart Davis* said, that he had come down to this debate with his mind perfectly open to conviction, and that on the subject of the right hon. gentleman's (Mr. Tierney's) amendment, he had not been pre-determined against any proof that might be offered of the power of the House of Commons legally to take the amount of the proposed grant to the *custos* of the king's person, from the privy purse; in this proof, however, the right hon. gentleman had wholly failed. But if this right were now assumed, by the Amendment being carried, he should feel it his duty hereafter to propose, that the late grant to his royal highness prince Leopold, should be taken into consideration, with a view to its being greatly reduced. This grant of 50,000*l.* per annum, was as large as the king's establishment, and nearly three times as large as that of the junior branches of the royal family. He asked, whether there was any member of that House who, in assenting to this allowance, did not consider it as intended for the widower of their future queen? and he wished to be informed upon what principle it could be argued, that one act of parliament for the protection of property should be held more sacred than another? He desired the House, therefore, to consider what the adoption of the principle of the Amendment must lead to. He, indeed, looked with the greatest jealousy at this proposition of the right hon. gentleman. He was not ashamed of avowing himself a Tory, or rather he gloried in the title, but not as frequently explained in that House. The only difference he knew of between a good Old Whig and Tory was, that the Whig apprehended the more immediate danger to the constitution from the undue influence of the Crown, whereas, the Tory conceived that it was as likely to arise from the encroaching and overbearing license of the people. He was, however, convinced, that both would be found fighting under the same banner, whenever a real attack was made upon the constitution [loud cheers].—Little had been said that night upon the question of most import, namely, the policy of reducing the king's household to so low a scale. For his part, he had much rather have

voted it as it existed under the former settlement. It was his opinion, that this was the last saving that should have been resorted to, and that only under an overwhelming necessity. He put it to the House, whether we could be said to be reduced to this necessity, as long as we had a peace establishment of twenty millions? He assured the noble lord, he was sorry to be obliged to say that he had heard him that night not only with pain, but with disgust, whilst he was attempting to prove to the House that he had pared down the royal establishment to the last farthing. He was not insensible (far from it) to the advantage of a saving of 50,000*l.* per annum, but he could have wished it to have proceeded from a more legitimate source. He thought that the duke of York's refusal to receive a pecuniary compensation from the funds of the privy purse arose from the most delicate feelings of the human mind towards his father and his king. He (Mr. Davis) spoke as the representative of a great city, and in the name of its loyal population, who, he was confident, would have borne any privation rather than that their aged and beloved sovereign should be deprived (possibly in the last year of his life and reign) of those necessary appendages of royalty, which were intimately blended with the best interests of his people, which all his ancestors had enjoyed, which that House had likewise conferred upon him, and which the constitution sanctioned and approved. On the subject of the right hon. gentleman's amendment he felt that it was an unjustifiable attack upon private property, and as such should give it his most hearty dissent.

A Member, whose name we could not learn, expressed much surprise at the language just used by one of the members for the city. For his own part, he scarcely knew how to mention royalty in a House of Commons. He recollected the time when his royal highness the duke of York was the object of as foul an attack as had ever been made upon an individual of exalted rank. At that time he yielded to the sense of the House, and retired with dignity. He was, however, soon recalled to office, and many persons were sorry for the part they had taken against him. If the House should vote for the proposed amendment, they might also see reason to regret such a vote hereafter.

The *Solicitor General* observed, that nothing which he had heard during the observations made by the right hon. gentleman opposite could induce him to alter the opinions he had formed on the subject then before the House. The conclusions he had come to, after a very mature deliberation, were, that the adoption of the amendment of the right hon. gentleman, would be nothing less than a complete invasion of the rights of private property, recognized and sanctioned by the parliament as such. It had been contended by gentlemen opposite, that the 52nd of the king bore them out in their support of the right hon. gentleman's amendment; but he should *è contra* contend, that the spirit of that act made directly against that amendment. The first question to be considered in this case was, if the privy purse and the revenues of the duchy of Lancaster were not private property? In answer, it could first be stated, that there were three solemn enactments on the table, recognizing the privy purse as private property. He was, therefore, not a little astonished to hear it said, that it was only in 1799 or 1800, that the privy purse had been recognised as such. It was impossible that the House could forget the celebrated speech of Mr. Burke on economical reform; when it was stated, in language that would last while England itself existed, that the privy purse was the private property of the king, and that the honour of the House was bound to provide, not only for the support and maintenance of his majesty, but for those funds from which his private benevolence was to flow. But although there existsd no strictly legislative enactments, from what the House could reason, as he had done; yet so much had the privy purse been considered as the private property of the king, that no return of its disbursements was ordered by the parliament, nor any responsible officer appointed for such purpose. If it had been otherwise regarded, surely the same exercise of jealousy would have been observed in that case as in the other branches of the royal revenue, and he was bound to take it as incontrovertible, almost from that fact alone, that the privy purse was the private property of the Crown. Not only was the general impression, as he had stated, but the king himself had acted upon it as his recognised private property; and made some purchases in land and other things, the propriety of which he had never yet heard disputed. If the House agreed to

the amendment proposed by the right hon. gentleman, they would grossly violate the law upon the subject. Great stress seemed to have been laid upon the 39th and 40th of the king, by gentlemen opposite; but he begged leave to say, that that act applied prospectively, and not in the limited manner to which they thought proper to restrict it. It enacted particularly and distinctly, that all the past and future savings accruing to or in the privy purse, should be at the full and entire disposal of the king. And then, up to the year 1811, it was admitted, that the privy purse had been held sacred. That admission was worth something, because it saved some trouble in referring to old acts, and from 1811 to the present period, it could be easily demonstrated, that no circumstances had occurred, calling for or warranting that construction of the 52nd of the king, which formed the basis of all the reasoning indulged in on the other side. The act of 1811 sanctioned and confirmed to his majesty, in the event of his recovery from a calamity he was sure every member of both sides alike deplored, the full and entire disposal of any saving of the privy purse. If it did not confirm it in express terms, it evidently contemplated such a power; and whether the king had made a will or not, as stated by the right hon. gentleman, did not avail an iota to the arguments used by that right hon. gentleman, and could certainly be no ground on which he could build the hope of carrying his amendment. He would seriously wish, however, to ask the House, if his majesty was to be deprived of the power of rewarding his tried and faithful servants, in the event of his recovery? That recovery might be distant, he would admit; but while the possibility of its occurring existed, the legislature could not honourably, nor consistently despoil him of a right, which, if he had the use of his faculties, they would not think of touching or of questioning. In an appeal to the feelings of the House, he hoped for no success, although there were some topics in the question before him, that could furnish the materials; but a dry legal investigation of acts of parliament was all he felt capable of entering into, and at so late an hour, he feared they would prove not only uninteresting, but fatiguing. The enactments, however, of the 51st of the king, would evidently show, that the privy purse was always applicable to the private wants, and subject to the private calls of the Crown. They contained, beside, a distinct recognition of its being private property, and at the uncontrolled disposal of the king. And he could not too often repeat, that if the amendment were carried, as anticipated by the triumphal looks of the hon. and learned gentleman opposite, that it would not only be an infringement of, but an actual repeal of the law. And would the House consent to such an act? Would they invade or destroy the law they were bound in duty to protect? He hoped, for the sake of honour, for the sake of an afflicted king, that they were not. [The hon. and learned gentleman here read some extracts from the act of parliament to which he had alluded, but which as he read them, excited cries of Hear, hear! and "go on" from the opposition benches.] He was little known, if any gentleman could imagine that he would omit to read the whole passage, although gentlemen opposite seemed anxious from their cries of hear! to make it appear as if he had been quoting the text against himself. But such a conduct would be unworthy of any man—a conduct he trusted he never would be found to pursue, even though his own defeat and the triumph of others should be the consequence. But to continue, when parliament had interfered in the year 1811, they looked to the manner in which the king had been accustomed to dispose of the revenues of the privy purse; and when in 1812 the question was again discussed, they proceeded exactly on the same principle. His majesty had set aside a portion of the privy purse, out of which he paid the physicians for their attendance whenever it had been required, exclusive of that public sum, which they received as the physicians of the sovereign. The privy purse was the only fund that enabled him to exercise benevolence, and he again asked the House if they would further add to his calamity, by depriving him at the verge of life, perhaps at the last hour of existence, of those means of rewarding merit, which, when in better health, he had been wont to apply to such generous purposes? The *custos* of the king should be viewed as the delegate of a great public trust; and he asked if the delegate of a public trust should be remunerated from the property of a private fund? When 10,000*l.* a-year had been voted to the queen as the *custos* of the

king, no objection was taken as to the impropriety of the burthen falling where it ought to have fallen—on the public. And he could see no change in the country's general circumstances since that period, as to justify the invasion of private property, and the repeal of that law which was the best and only guarantee of private and public security. An attempt had been made to liken the *custos* of the king to the committee appointed to superintend the concerns of a private lunatic; but no analogy whatsoever existed between them. In the case of the private individual, his property was bound to his support as well when insane as sane; but in the case of the king it was widely different. The public support of the king was drawn from parliament, and in any change of his condition, the public still were pledged to his support. His dignity and the people's honour alike demanded it. But wherefore apply his private property to the liquidation of a debt the public always felt itself pledged to pay? The privy purse was originally set apart for the purpose of supplying to the sovereign the means of rewarding merit, relieving distress, and performing various other acts of kindness and humanity; but never was, and never could have been intended for the purpose of his maintenance or support. The House should consider, that the king was no longer in a condition to protect his own interests, except through the servants of the Crown, and a proportionate delicacy and caution should be exercised on the occasion. The House on the present question should stand between the people and the king; and if even a doubt existed as to the fact of the privy purse being private property, under all the circumstances of the case, they were called upon to vote in favour of their revered and afflicted monarch. But, satisfied as he was of its being, as indeed admitted on all hands to be, a delicate and important consideration, the peculiar situation of the sovereign called for that demonstration of loyalty and attachment which he trusted the House would that night make. If the king had any creditors at his death, and the fact might be so, however improbable it then appeared, the parliament, it would be found, had already pledged the privy purse to its liquidation. He should not however further trespass on the patience or indulgence of the House. A cry of economy had been raised, and economy well timed and properly applied was most necessary; but when talking of economy, the House should take the utmost care of interfering with the rights or security of private property. The hon. and learned gentleman then entered into a recapitulation of his principal arguments, entered into an able review of the several acts he had previously cited on the subject, and concluded by remarking, that the duty confided to the duke of York was one of such high responsibility, that it had been thought proper to associate others with him; and in case of his majesty's recovery, the immediate resumption of his royal functions was provided for; that the duke's, as a public trust, ought to be rewarded by the public; and, if it was not one of that description, what had parliament to do with it? The duke of York had been chosen, not because he was one of the king's sons, but because he was most confided in by the House. He rested, therefore, on the broad principle, that a public duty was not to be remunerated or rewarded out of a private property; and that it behoved that House, and he earnestly besought it to consider, that in acceding to the amendment, it would commit a decided infringement on the private property of the king. [The hon. and learned gentleman sat down amidst loud cheers from the ministerial benches.]

Mr. *Scarlett* hoped to be indulged with the attention of the House while he made a few observations. He did not feel that the argument of his hon. and learned friend, who had just sat down, though it appeared to have convinced himself, and though it had received so much applause from those about him, had added one tittle to the strength of the case, as explained in the speech of the right hon. gentleman (Mr. Peel) who had preceded him. His hon. and learned friend had done little more than give that speech in another form, and he believed, therefore, he should best discharge his duty, by following the argument of the right hon. gentleman, point by point, and though he could not promise to furnish ornament for ornament, he would endeavour to give him reason for reason. Great stress was laid, in the first place, on the principle of Mr. Burke's act: now in his opinion, that act led to a directly opposite conclusion to the one put upon it; for it made it incumbent on the Crown to submit to parliament an estimate of the privy purse,

and thereby recognized the public control over what it was now pretended was to be considered merely as private property. Indeed, whatever might have been the law before that period, yet after that act of Mr. Burke, the privy purse must be considered as liable to the investigation and consideration of the House: whether a larger or a smaller sum than was there appointed might be in future necessary, was left perfectly open for future discussion. And yet, in the face of this act, the arguments of the right hon. gentleman seemed intended to prove, not merely that the House was locked up from considering whether 60,000*l.* might or might not, be a proper rental for the king, but that parliament might not for a moment enter even upon the threshold of such an inquiry. It was too sacred to be touched, or even alluded to! The fallacy of such reasoning was at once exposed by a reference to the act itself; and the 39th and 40th of the king had expressly recognized this principle. Indeed, it would have been most extraordinary, if a different course had been pursued. He would go further and say, that if at that period any person could have predicted that a large portion of the sum granted would become unnecessary, and would form, by its repeated accumulations, a surplus for merely private uses—he would say, that, under such an impression, parliament would not have done its duty to the country if it had not expressly reserved a right of interference. [Hear, hear!]. The main object of the 39th and 40th of the king was, to enable him to dispose of, and distribute such property as he might acquire by purchase or by devise, and, without fixing any precise unalterable sum, to declare that his savings might also be disposed of without the liabilities existing under former statutes. Whether the course thus taken by the House had been constitutional or not —there were many who thought it not so —he would not now inquire; for it had nothing to do with the present question: but he would ask, whether there was any thing in the enactment which showed that the House had abandoned its control over the annual income and application of the privy purse, except as expressly excepted?—He came now to the first act, passed in consequence of his majesty's lamented indisposition. It was at that time confidently stated, that his majesty's malady was of a temporary nature: that his recovery might be expected at no distant period: that it was, therefore, expedient and decorous, that when the king awoke from his painful dream, he might see himself surrounded by familiar faces, and recognize all those objects from which he could derive consolation, or which could add to his comfort or dignity: and that, above all, he might have the pleasure of learning, that all those persons who had been used to taste of that bounty in which his spirit of benevolent sympathy delighted, had not been in the least injured by the temporary suspension of his personal power to serve them. But what did all these provisions mean? Did they not, in their very nature—in their very terms—imply that those who made them had also the power of withholding them? In other words, was there not a distinct right of control, present and future? Suppose the act were to be considered as temporary, then it was obvious that parliament had the right of modifying, or rescinding them when the occasion was past. Suppose the occasion not temporary,—in other words, that the king's malady was fixed and permanent—then it was obvious that parliament must have the power of altering those provisions which had been made in contemplation of a temporary illness. In either case, the right of control was not abandoned, but, on the contrary was recognized as a matter of course. The 52nd of the king also recognized and exercised this right; for it made some alteration in the distribution of this privy fund, and directed, that a certain sum might be paid out of it to physicians and medical attendants. Now what had his right hon. friend (Mr. Tierney) contended for this night? Not as to the amount of physicians fees, or any other fees to be paid out of this fund: he had not entered into such comparatively private particulars, but he had contended, on a broad principle, that the privy purse was not to be considered as locked up from the view and inquiry of parliament. He had not raised any question whether the proposed grant to the duke of York would or would not be a judicious application of the fund; but whether the House had a right to apply it at all. And here he must notice a strange inconsistency in the arguments of those on the other side of the House, who descanted so much on the sacredness of this fund. With one breath they pretended that physicians might be paid out of it, and with the very next they call it inviolable, and inapplicable to all other

purposes. Let not such an inconsistency pass for an argument. The question was not, whether the payment of the duke of York would be a proper one, but whether the House had not as much right to apply part of the sum in his case as in the case of the physicians: it was ridiculous to say that the physicians attendant on the king, and acting under the superintendance of parliament, were private persons: they were no more private individuals than the *custos* himself: indeed, every person now attending on the king was, and must of necessity be a public servant or officer. For the same reason, the privy purse of a king could never be considered private. in the sense in which the property of an individual is considered private. The right hon. gentleman (Mr. Peel) had made what he seemed to consider, a very triumphant argument out of what he (Mr. Scarlett) could not help thinking little better than an arithmetical puzzle. He had asked, as the 60,000*l.* of the privy purse were nearly absorbed, and nothing remained to the Crown, but the 10,000*l.* a year from the duchy of Lancaster whether it would not be monstrous that the duke of York should be paid by the duke of Lancaster for taking care of the king? [a laugh.] A little transposition would completely destroy the effect of this antithetical argument or riddle. Suppose the expenses (to the amount of 10,000*l.*) paid out of the privy purse, were to be paid out of the revenue of the duchy, and thus that after all deductions a surplus should remain of 10,000*l.* or 12,000*l.* in the privy purse, applicable, if thought proper, to the payment of the *custos*, what then would become of this amusing jumble and argumentative play of words about the dukes of York and Lancaster?—But to return to the question of control; would any man say if circumstances had arisen or should arise, which might make it expedient to reduce the amount of the privy purse to 40,000*l.*, that parliament had not the right so to reduce it? And if it had a right to diminish it, surely it had a right to apply it. To be sure, in 1811, when the question came before the House, they did not diminish the income, but they did control it, they did apply it.—He should now address a few words to the ornamental part of the speech of the right hon. gentleman who had descanted with such warmth and such pathos on the preamble of the act of the 1st George 3rd. The right hon. gentleman had done injustice to our ancestors, when he ascribed such exclusive loyalty to the framers of that act. Had the right hon. gentleman read the 1st of Geo. 2nd, as well as the 1st of Geo. 3rd, he would have seen, in the preamble of the former statute, all that loyalty of feeling and beauty of phraseology which so delighted him in the latter. If he could hope to make as great an impression on the House as the right hon. gentleman he would read this neglected preamble; but as he despaired of producing an equal effect, he would refer the right hon. gentleman to it, who would there find the same warm effusions of affectionate sentiment, the same overflowing eloquence of language, so justly dedicated to our present sovereign, had previously decorated the character of his illustrious predecessor. [Cheers!]. He trusted that no one would impute to him the wish of treating this subject with levity or disrespect, or of entertaining any feelings but those of affection and veneration for our afflicted and amiable sovereign. He approached the question with reverence for the character of him, to whom, all unconscious as he was, it chiefly referred. He felt, in common with his hon. and learned friend, the utmost nicety on the point of private property; and he would say, that if he considered the privy purse to be private property, in the usual sense of the word, he would not have offered a word in favour of the amendment: but it was because he knew that the habit of his profession superinduced a peculiar nicety in matters of property, that he was determined to watch with jealousy, and guard with caution, against this habitual bias in a great public question. It was because he felt that it would be the most extraordinary of all propositions, that parliament, which in 1811, and 1812, and in the previous years, had, in different ways, dealt with, controlled, and modified this privy fund, should now be precluded from touching it, that he voted for the amendment of his right hon. friend, thereby acknowledging the great principle of parliamentary interference in all matters of great national concern.—One other observation, and he would sit down. It did seem to him somewhat strange, that those who could not shut their eyes to the public distress, should say that there was no alteration in the state of the country since 1811, though it was notorious that the public debt had greatly increased, and that peace held out

no prospect of diminished burthens. The noble lord who opened this debate had said indiscreetly—he would not say invidiously for he did not suppose that the noble lord intended any personal reflections; but the noble lord had most unadvisedly said that his proposition could not be rejected without involving in infamy those who rejected it. This was harsh language; but in the face of this formidable denunciation, he still felt it his duty, as far as his means were able, to oppose and reject the present application. The hon. and learned gentleman sat down amid general cheers.

The *Solicitor General*, in explanation, said he had never disputed the controlling power of parliament; he had only argued, that the amendment would virtually repeal existing acts.

The *Attorney General* spoke at some length, but during the whole of his speech the tumult which prevailed through the House rendered it impossible to catch a word in the gallery. We understood him to contend, that since the year 1782, in every account which had been laid on their table, the House had recognized the privy purse as the private property of the king.

Mr. *Stuart Wortley*, while he allowed the great talents and ingenuity of the hon, and learned gentleman who had made so able a speech on the other side of the House, contended that his argument was a complete fallacy, and that he had given the go-by to the real question. It was never contended, that parliament had not a right to legislate on the privy purse, but that the interference of the House in this matter was, and always should be guarded and cautious, inasmuch as it was the property, not of the Crown, but of the king. Were they now to legislate in the manner proposed, it would be interfering with the acts which made the privy purse private property. It was a fallacy to draw any argument from the mode in which the payment of the physicians was provided for. They could not be viewed in the same light as an officer of the Crown, and he was surprised to hear the hon. and learned gentleman employing such an argument. He was as unwilling as any man could be, to add to the burthens of the country, but he felt that he should be doing an act of gross injustice were he to consent to the amendment proposed by the right hon. gentleman.

The committee then divided: For the amendment, 186; Against it 281: Majority 95.

The Resolution was then agreed to.

List of the Minority.

Abercromby, hon. J.	Fazakerley, N.
Allen, J. H.	Fergusson, sir R. C.
Althorp, viscount	Fitzgerald, lord W.
Anson, hon. G.	Folkestone, visct.
Aubrey, sir J.	Frankland, R.
Astell, William	Fleming, John
Braddyll, Thos.	Gordon, Robert
Baring, sir T.	Graham, Sandford
Barham, J. F.	Graham, J. R. G.
Barnett, James	Grenfell, Pascoe
Becher, W. W.	Griffith, J. W.
Bernal, Ralph	Guise, sir W.
Bennet, hon. H. G.	Gurney, R. H.
Benyon, Ben.	Gaskell, Benj.
Birch, Joseph	Harcourt, John
Brand, hon. T.	Harvey, D. W.
Browne, Dom.	Hill, lord A.
Brougham, Henry	Honeywood, W. P.
Burdett, sir Francis	Howard, hon. W.
Burroughs, sir W.	Howard, lord, H.
Byng, G.	Howorth, H.
Bankes, Hen.	Hughes, W. L.
Blandford, marquis	Hume, Joseph
Calvert, N.	Hurst, R.
Churchill, lord C. S.	Hutchinson, hon. C,
Carhampton, earl of	Heygate, alderman
Cripps, J.	King, sir J. D.
Calcraft, John	Kennedy, T. F.
Calvert, Charles	Lamb, hon. W.
Carew, R. S.	Latouche, John
Carter, John	Lemon, sir W.
Cavendish, lord G.	Longman, Geo.
Cavendish, Henry	Lloyd, sir E.
Clifford, capt.	Lloyd, J. M.
Clifton, lord	Lyttelton, hon. W.
Coffin, sir J.	Lubbock, sir John
Colborne, R. N.	Lowndes, W.
Colclough, C.	Macleod, Roderick
Coke, T.	Macdonald, James
Concannon, L.	Mackintosh, sir J.
Curwen, J. C.	Madocks, W. A.
Crompton, Samuel	Maitland, J. B.
Cumming, G.	Martin, John
Davies, T. H.	Methuen, Paul
Denman, Thomas	Maxwell, John
Denison, W. J.	Milbank, Mark
Dickinson, Wm.	Merest, J. D.
Douglas, hon. F. S.	Mills, George
Duncannon, lord	Mildmay, P. St. J.
Dundas, Charles	Monck, sir C.
Dundas, hon. L.	Moore, Peter
Dundas, hon. G.	Morpeth, lord
Dundas, T.	Mansfield, John
DeCrespigny, sir W.	Neville, hon. R.
Ellison, Richard	Newport, sir J.
Edwards, John	North, Dudley
Evans, William	Nugent, lord
Ebrington, viscount	Newman, R. W.
Ellice, Edward	Onslow, Arthur
Euston, earl of	Ord, Wm.
Fane, John	O'Callaghan James

Palmer, C. F.
Pares, Thos.
Parnell, sir H.
Peirse, H.
Philips, George
Philips, Geo. jun.
Phillips, C. M.
Piggott, sir A.
Powell, W. E.
Power, Richard
Powlett, hon. W.
Price, Richard
Price, Robert
Protheroe, E.
Pryse, P.
Robertson, A.
Ramsden, J. C.
Rancliffe lord
Ridley, sir M. W.
Robarts, A.
Robarts, W. T.
Russell, lord W.
Russell, lord G. W.
Russell, lord John
Russell, R. G.
Rumbold, C. E.
Rickford, Wm.
Sinclair, George
Scarlett, James
Sefton, earl of
Smith, Wm.
Smith, hon. R.
Smith, Geo.
Smith, James
Spencer, lord R.
Stuart, lord James
Stewart, Wm.
Stanley, lord
Symonds, T. P.
Tavistock, marq. of
Taylor, M. A.
Taylor, C. W.
Thorp, alderman
Tierney, rt. hon. G.
Tremayne, J. H.
Tennyson, Charles
Walpole, hon. gen.
Waithman, alderman
Webb, Ed.
Western, C. C.
Wharton, John
Wright, J. Atkins
Wilberforce, W.
Whitbread, Wm.
Wilkins, W.
Williams, W.
Williams, R.
Wilson, sir Robert
Wilson, T.
Webster, sir G.
Wellesley, W. P. T. L.
Wynn, C. W.
Wood, alderman

TELLER.

Lambton, J. G.

PAIRED OFF.

Foley, Thos.
Folkes, sir Martin
Plumer, Wm.
Smyth, J. H.

HOUSE OF COMMONS.

Tuesday, March 23.

CORN BILL — PETITION FROM NOTTINGHAM.] Lord Rancliffe, in presenting a petition from Nottingham, against the Corn Act, took occasion to observe, that he agreed with the petitioners, that notwithstanding the speech from the throne, assuring them that the manufactures, commerce, and trade of the country were in a flourishing state, the greatest distress existed in the manufacturing districts.

Sir *R. Wilson* observed, that what he had said on a former occasion, with respect to the subject of petitions for an extension of the Corn laws, had been grossly and maliciously misrepresented. Instead of stating that which he had really said, namely, that he thought it would be advantageous were hon. gentlemen connected with agricultural districts to dissuade their constituents from such petitions, it had been imputed to him, that he had urged them to resist that right of petitioning, which he, in common with all who loved the constitution, was most anxious to maintain. This calumny had proceeded from those who ought, by their conduct, to prove themselves the peculiar champions of the liberty of the press.

Ordered to lie on the table.

WINDSOR ESTABLISHMENT.] The House having again resolved itself into a committee on the Royal Establishment at Windsor,

Lord *Castlereagh* said, that with respect to the provision for her late majesty's servants, the committee had recommended that the annual sum of 18,245*l.* should be applied to that purpose. He apprehended it was not necessary for him, after what he had stated last night, to enter at present into any further details on that part of the subject. He should, therefore, simply move the second resolution: "That a sum not exceeding 4,561*l.* 8*s.* 11*d.* being one-fourth part of the sum of 18,245*l.* 15*s.* 8*d.* be issued at the end of every quarter of a year, at the receipt of the exchequer, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, and be granted to his majesty for the payment of pensions and allowances to the ladies of the bedchamber, maids of honour, and other attendants on her late majesty queen Charlotte, and that the said sum be issued and paid without any fee or other deduction whatsoever."

The Resolution was agreed to.

Lord *Castlereagh* said, the next subject which he should submit to the consideration of the committee was the office of *custos;* and after what had passed in the discussion of last night, he was sure that no farther argument was necessary. He should wish, in proposing the resolution which he was about to submit on this head, to avoid every allusion which might have a personal reference to his Royal Highness, and to look only at the official duties which were to be intrusted to him. As to the amount of the provision made for this office, no question had been advanced in the House. Parliament had formerly allowed 10,000*l.* to this office; and he felt convinced that every member of the House would agree with him, that 10,000*l.* a year, considering the dignity of the office, and all the circumstances connected with it, was not too great a sum. The House would see that the habits of royal persons, and the state which their rank obliged them to support, unavoidably

raised their scale of expenditure above that of ordinary life. They would also bear in mind, that the office was not merely attended with great expense, but that it placed his royal highness, in that respect, much in the same situation as the king himself would be in. He was sure that no personal motive had actuated those who had voted with him last night, and therefore they could not be considered as pledged to support him on this question; but he thought they could not take a better guide than the conduct of the former parliament. With regard to the gentlemen on the opposite side, he thought he had an equal claim to their support, and he hoped they would be convinced that the conduct of parliament in 1811 and 1812, was the best guide they could follow. It was not merely the office, but the elevated rank of the individual, and other attending circumstances, that must regulate the expense. The noble lord then moved, "That the annual sum of 10,000*l.* be issued out of the civil list revenues to his royal highness the duke of York, to enable his royal highness to meet the expenses to which his royal highness may be exposed in discharge of the important duties confided to him by parliament, in the care of his majesty's person."

Mr. *Tierney* was astonished on what possible ground the noble lord could suppose that he should obtain his support to the measure of charging the allowance to his Royal Highness on the civil list. He had endeavoured to guard against any such inference being drawn from what he said on this subject. What he did say was, that he should be happy if such a course could be adopted on this occasion, as would keep the subject out of discussion altogether. If ministers laid the charge of the allowance to his Royal Highness on the privy purse, he had stated that he would not object to it. Whatever new charge was laid on the privy purse, if no new charge was laid on the public, the House, he thought, would acquiesce in; and to this extent only, he had agreed to the charge. But of all things he was astonished that the noble lord should think of applying to him for his vote on the ground of the vote to the queen of 10,000*l.* out of the civil list before, which grant he had resisted [Hear, hear!]. This, however, would teach the House how they departed from the strict course which they ought always to prescribe to themselves, with respect to granting the public money, even from the best feelings. In the afflicted state in which the queen was at that moment, there was a general indisposition in the House to add to her grief by any discussion on the subject of this grant; but he was sure that no man who then granted this sum to her majesty supposed that he was to preclude himself from a different disposition when the circumstances which then influenced the House no longer existed. It was painful to him to enter on a discussion with respect to the allowance to his Royal Highness, but the noble lord himself had brought on the discussion, and he must take the consequences of it. Unless the noble lord made out a particular ground for charging this sum of 10,000*l.* on the civil list, very different from any he had yet heard, he certainly should feel himself bound to oppose it. He was afraid from what took place last night, that some juggle was in contemplation in the proceedings with respect to this grant, but he now understood that the report was to be received on Thursday next; and he gave notice that he should then take the sense of the House on this grant. He thought the allowance to his Royal Highness was unobjectionable; but whether that sum was proper or not, it should not come out of the pockets of the public.

Lord *Rancliffe* expressed his determination to oppose any grant out of the civil list to his royal highness the duke of York.

Mr. *Waithman* conceived the House was now at full liberty to adopt any course which it might deem proper with respect to the allowance for the care of his majesty's person. It was not so much on account of the magnitude of the sum proposed to be granted that he should oppose it, though no grant whatever, in the present state of the country, could be viewed with indifference. But there were other grounds on which he should rest his opposition to it. When it was agreed on all hands that the country was in a state of the utmost distress,—when the table of the House was loaded with petitions from the agriculturalists and other classes, stating their distress, and praying for economy and retrenchment,—and when it was agreed on all hands that economy must commence somewhere—he thought, if his majesty's ministers had a true sense of the duties incumbent on them in such a state of things, they ought to show it by the example

they afforded on an occasion like this, to the country at large, that they were sincere in the professions of economy which they had so frequently in their mouths. He could not help expressing it as his opinion, that his majesty's ministers, who in the name of his royal highness the duke of York, had delivered a message from him last night to the House, had given his Royal Highness advice of a tendency to degrade his character in the eyes of the House and the country; because, in his opinion, his majesty's ministers ought to have recommended to his Royal Highness ratherto instruct ministers to come down to the House, and state that in the present state of the country it was his determination to take no allowance whatever, than to instruct them to state that he had no objection to an allowance from any public fund whatever, but that he would not consent to take it out of the privy purse. He was persuaded that in resisting this grant, he should be acting in conformity with the feelings of the whole country.

Mr. *Curwen* stated, that he should give his decided opposition to any grant out of the civil list.

The Resolution was then agreed to; as were also the following: 4. "That it is expedient that power be given to his royal highness the duke of York, to charge the money issued to the keeper of his majesty's privy purse with the payment of pensions and allowances to any servants of his majesty, whose services may be discontinued upon the reduction of his majesty's household at Windsor, not exceeding in the whole, together with the present charge upon the said privy purse, the aggregate annual amount charged thereon by an act of the 52nd year of his present majesty." On the 5th resolution, "That the sum of 14,500*l.*, being one-fourth part of 58,000*l.* the sum allowed out of the civil list revenues for the expenses of the establishment of her late majesty queen Charlotte, shall be set apart at the end of every quarter of a year, at the receipt of the exchequer, out of the civil list revenues, and be carried to, and made part of the consolidated fund of the united kingdom of Great Britain and Ireland."

Sir *A. Hope* said, that he was anxious to have the number of equerries distinctly allowed by the committee. By reducing two of them, the saving effected would be tantamount to nothing; but should his majesty recover from his indisposition, it would necessarily give him great pain to find any of his old servants displaced. Besides, his majesty, in his present situation, required the attendance of his servants as formerly; the lords of the bedchamber could remain with him, and perform the same offices as formerly. On principle, therefore, and on economy, he would urge the continuance of six equerries. The principle was, that parliament should give the king every gratification in their power. As to the economy, it was said that the saving would be 1,000*l.* a year; but it might not be 100*l.* altogether. If the king lived long, it might again be 2,000*l.*: the saving then was from 100*l.* to 2,000*l.*

Mr. *Tierney* suggested, that the best time for moving to the effect proposed by the gallant officer, would be when the report would be brought up.

Mr. *Wynn* said, that all that came before the House was the sum total to be voted for the establishment, and a recommendation that the number of equerries should be four. He did not think, therefore, that the number could be altered on bringing up the report.

Sir *A. Hope* gave notice of a motion for Thursday, that the number of equerries should be six.

The resolution was then carried; as was also the following: 6. "That the sum of 12,500*l*, being one-fourth part of the sum of 50,000*l.* be set apart at the end of every quarter of a year, at the receipt of the Exchequer, out of the civil list revenues, and be carried to, and made part of the consolidated fund of the united kingdom of Great Britain and Ireland."

Poor Laws' Amendment Bill.] Mr. *Sturges Bourne* rose, pursuant to notice, to move for leave to bring in a bill to amend the Poor-laws. He did not anticipate any objection to the principle of the bill; but in case any should arise on the details which it would embrace, he thought it would be more convenient to allow it to be brought in and printed, and then both its principle and its details would be more intelligible. It was unnecessary for him at present to enlarge on this subject; he thought it sufficient for him to refer to the facts stated in the report of 1817. As many gentlemen who now heard him had not been members of the House at that time, he would just say, what the House well knew, that the bill had failed in the last session in consequence

of certain alterations which had been made in it in the other House of Parliament. He was desirous not to subject the proposed measure to a similar inconvenience; although he should contend that the clause thrown out by the House of Lords was one most essential to the character of the bill. He concluded by moving for leave to bring in the bill.

Sir. *R. Wilson* wished to know, whether the committee appointed in the present session had yet had an opportunity of ascertaining whether there had been any increase or diminution of the poor-rates since last year?

Mr. *S. Bourne* replied, that it was a subject into which the committee had not yet been able to inquire. He himself had been able to attend the committee but once; his presence having been necessary in an election committee. If he might be allowed to risk a conjecture on the question, he was apprehensive that, in the agricultural districts, the poor-rates had at least not diminished since last year.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Wednesday, February 24.

Conduct of Mr. Wyndham Quin—Petition of Mr. Grady.] The order of the day being read, and Mr. Wyndham Quin attending in his place, according to order,

Sir *Robert Wilson* rose, and spoke to following effect:—

Sir; The Petition which I hold in my hand is, that which in obedience to the wishes of this House, I withdrew on a late occasion, until the hon. member whose conduct is the subject of it—Mr. Wyndham Quin—should have sufficient notice on the subject, and should be able to attend in his place, in order to hear the allegations of the petition, and to reply to them. As that hon. gentleman is now present, it is my arduous, and I say it most unaffectedly, my distressing duty, to produce the charges which this petition makes against him. I can assure the hon. gentleman, that in the intermediate time during which the petition has been in my hands, I have suffered no partial communication to be made of its contents, calculated to prejudice the minds of those who ought to administer impartial justice on the subject. And it is but due to the petitioner and his friends, to state, that in all their correspondence and communications with me they have evinced the most earnest wish that no political feeling should be allowed to mix itself up with a transaction which was to become the subject of judicial decision. I regret extremely, that the report of what formerly took place in the House on that subject was so inaccurate, as to be calculated to mislead the hon. gentleman, both in the matter of charge which the petition contains, and in the course which I had prescribed to myself on the subject. When I recapitulate, as I am about to do, that which I said on presenting this petition in the first instance, the House will, I am sure, recognise the substance, and even the words which I used on that occasion; as I shall only add a short statement of what has taken place since that period. I beg the House will bear in mind, that I am only the vehicle of the accusation against the hon. gentleman. At the same time I must say, that after my knowledge of the character of the petitioner and of the witnesses with which he was prepared to support his allegations, and after inspecting the correspondence which passed between the parties, I should not have been justified, had I not persevered in calling the most serious attention of parliament on the subject. Sir, I before stated, that in July last the hon. gentleman was appointed custos rotulorum of the county he represents. In consequence of that appointment the office of clerk of the peace for that county fell, or was presumed by the hon. gentleman to fall, under his patronage. In Ireland, the clerk of the peace is not only an officer ministerial to the civil and criminal judicature of the country, but he is an officer charged with the care of the whole of the documents relative to the election of representatives. The value of this office is 800*l.* a year. The petitioner, Thomas William Grady, states that he had held it in the county of Limerick for about fifteen years; but that being much afflicted with the gout, the duties of the office had been exercised by a deputy. Soon after the appointment of the hon. gentleman to be custos rotulorum of the county of Limerick, he gave the petitioner notice—I believe in a personal communication—that he should be obliged to deprive him of his situation, but that he was disposed to allow him 200*l.* a year out of the salary of the office. This proposition the petitioner rejected. The hon. gentleman then went to England. He returned

to Ireland in September, when Mr. Carew Smyth, a gentleman at the Irish bar, waited upon him in Dublin, on behalf of the petitioner, in order to ascertain the hon. gentleman's determination. The hon. gentleman, at that interview, stated to Mr. Carew Smyth, that he was obliged to give the appointment of clerk of the peace to Mr. Richard Smyth, of Limerick, not for his life, but only during his pleasure, by which proceeding he should secure the payment by Mr. Richard Smyth of such annuities as he might direct him to pay; and that it was his intention to make him give the petitioner 200*l.* a year, on condition that the petitioner would support the hon. member in his election—not only with his own vote, but with the votes of a hundred freeholders, who were registered among his tenantry. To this Mr. Carew Smyth replied, that he did not come to argue the case with the hon. gentleman, but that he would convey the whole of the proposition to the petitioner; observing, at the same time, that he considered it to be illegal and inadmissible. The hon. gentleman said, in reply, that he did not see the thing in the light in which it was viewed by Mr. Carew Smyth; that he ought to receive an equivalent for the patronage which he relinquished; and that he was determined, in short, to have a *quid pro quo*. On the next day, the hon. gentleman, accompanied by Mr. Thomas Goold (a respectable barrister, the hon. gentleman's confidential adviser, and whose name I am very sorry to be obliged to introduce in this statement), waited on Mr. Carew Smyth. There the proposition made on the preceding day by the hon. gentleman was repeated. Mr. Carew Smyth urged the same arguments which he had used at the first meeting, but consented to transmit the proposition to the petitioner. After the departure of the hon. gentleman and his friend, Mr. Goold, Mr. Carew Smyth made a minute of the conversation that had passed, which minute he sent to the hon. gentleman for his approbation. The next day the hon. gentleman and Mr. Goold again waited on Mr. Carew Smyth, when the hon. gentleman delivered the minute into Mr. Smith's hands, observing that it was perfectly correct, with the exception of two or three words, which, although of some importance, by no means changed the character of the transaction. Mr. Carew Smyth then desired the hon. gentleman to sign the minute. To this proposition Mr. Goold objected, not considering it proper that a member of parliament should put his name to a paper, the tendency of which was to diminish the emoluments of an officer ministerial to justice; but that he (Mr. Goold) should always be ready to testify the validity of the transaction. With the permission of the House, I will read this minute. It is to be observed, that Mr. Carew Smith had authority from the hon. gentleman to transmit it to Mr. Grady, so that the publicity it has acquired is no breach of professional confidence on his part. The minute is as follows:—"Mr. Carew Smyth stated, that he waited on Mr. Quin, as the friend of Mr. Thomas William Grady, to know his determination as to the appointment of clerk of the peace, Mr. Windham stated, that he determined on appointing Mr. R. Smith to that office, upon an express understanding that Mr. Thomas William Grady was to receive 200*l.* a year out of the profits of the office, and that on any failure or want of due punctuality in paying this yearly sum to Mr. Thomas William Grady, that Mr. R. Smith should be dismissed from his office. Mr. Windham Quin further stated, that he expected Mr. Thomas William Grady should continue politically connected with him in the county of Limerick, so long as he continued to receive the 200*l.* a year out of the office, but that Mr. Thomas William Grady was at perfect liberty at any time to relinquish the 200*l.* a year, and dispose of his interest as he pleased." Through the words "and to dispose of his interest as he pleased," a line was drawn, they having been objected to, as I have already stated, by the hon. member, and these words were substituted "and separate his political interest from Mr. Windham Quin." "Mr. Carew Smyth stated, that he would immediately communicate the above to Mr. Thomas William Grady, whom he should at the same time advise not to come to any decision till he had consulted with his father, but should request of him to come to a determination as speedy as possible, as to accepting or rejecting, the above arrangement as soon as possible, after being made acquainted with his father's sentiments, which determination should be communicated by Mr. Carew Smyth to Mr. Quin." Accordingly, Mr. Carew Smyth immediately transmitted the minute which I have just read to the petitioner, who replied, that

considering the proposition to be a public offence, he not only rejected it, but was determined to bring it under the consideration of parliament. At the same time a legal notice was served on Mr. Carew Smyth enjoining him not to suffer the original minute to pass out of his hands. On the receipt of this answer from the petitioner, Mr. Carew Smyth immediately set off for Adare, the country seat of the hon. gentleman's father, and communicated it to him. The matter became very public in the county of Limerick, and created so much alarm in the mind of Mr. Daniel Gabbett, the law agent to the hon. gentleman, that he went immediately to the hon. gentleman, and stated to him the indiscretion of having originated such a proposition and the serious consequences that might ensue from it. In consequence of this remonstrance, on the 9th of October, Mr. Daniel Gabbett came over to the petitioner's residence with a note from the hon. gentleman, which he gave the petitioner in the presence of a gentleman (Mr. Mansergh) well known in the county of Limerick. The note was as follows:—"Mr. Grady may vote as he pleases; and if he choose to vote against me, I will not on that account deprive him of his situation. W. W. Q." At that time the petitioner and his father made no answer to this communication, but afterwards understanding that by acceding to the proposed terms, they should be considered guilty of a collusion in and subject to the penalties attached to the original transaction, the petitioner determined to pursue the course which he has adopted; and in consequence the petitioner's father soon after, on the 15th of October, gave notice to the hon. gentleman, that it was the petitioner's intention to bring the matter before the House of Commons immediately on the meeting of parliament. After this, there was a correspondence between the parties, which did not close until the 5th of December, at which period no change had taken place in the petitioner's determination. Such, Sir, are the facts and allegations contained in this petition; which facts and allegations the petitioner says he can prove by documents, and by the evidence of respectable witnesses. He prays that the House will take the subject into their most serious consideration: that they will vindicate their own honour, secure the freedom of the elective franchise, and administer justice towards those who have been engaged in the practices of which he complains [Hear, hear!]

The Petition was then brought up and read as follows:

"To the Right Hon. and Honourable the Knights, Citizens, and Burgesses of Great Britain and Ireland, in the present Parliament assembled: The humble Petition of Thomas William Grady, esq. of Belmont, in the County of Limerick, and in that part of the United Kingdom called Ireland.

"Sheweth, That the honourable Wyndham Wyndham Quin, representative in parliament for the county of Limerick (for which county he stood on three contested elections) was, in the month of July last, appointed custos rotulorum thereof, by the present lord lieutenant of Ireland, by virtue of which appointment he became entitled to appoint the clerk of the peace for said county:

"That in Ireland, the office of clerk of the peace is not as in England held during good behaviour, but is at the arbitrary disposal of the custos rotulorum:

"That the office of clerk of the peace in Ireland is more important, as more extensively ministerial to justice than in England, because in Ireland it is ministerial as well to the civil as to the criminal justice of the county:

"That the said Wyndham Wyndham Quin, perceiving at the last general election that his popularity had considerably decreased, found it necessary to avail himself, for election purposes, of the patronage he so obtained from government, and broke up the emoluments of the said office of clerk of the peace into lots, in order to distribute the several lots among such persons commanding an influence in the county as he knew, or presumed would, undertake, in consideration thereof, to support him on any future contest, appointing them only during pleasure, in order to maintain his control over them for those purposes:

"That having superseded the former clerk of the peace, he appointed a person of the name of Richard Smith during pleasure to that office (the said Richard Smith having a number of freeholders at his disposal), and this appointment was made under an express stipulation with the said Richard Smith, that he the said Richard Smith should pay out of the perquisites of the said office such annuity or annuities as he the said Wyndham Wyndham Quin should think proper to appoint, and in default of the punctual payments of such annuities, that he the said Richard Smith was to be removed from his office; upon which terms it was accepted of by the said Richard Smith:

"That your petitioner and his tenantry, consisting of about one hundred registered freeholders, had hitherto supported the said Wyndham Wyndham Quin upon all his contests for the county; but the said Wyndham Wyndham Quin, finding his situation as can-

didate now more precarious than it had been, thought it expedient, if possible, to secure the future support of your petitioner and his tenantry by a deed of bargain and sale:

"For this purpose, on the 21st of September last, the said Wyndham Wyndham Quin (in person), proposed to Carew Smyth, of the city of Dublin, esq., barrister at law (your petitioner's law adviser) in behalf of your petitioner, to grant to your petitioner 200*l.* a-year out of the perquisites of the said office of clerk of the peace, in consideration of your petitioner's putting himself and his tenantry at the perpetual disposal on all elections of him the said Wyndham Wyndham Quin, subject to a power of revocation, as to the said 200*l.* a-year, if your petitioner or his tenantry should at any time fail in voting for the said Wyndham Wyndham Quin:

"That the said Carew Smyth, in behalf of your petitioner, objected to the said proposal as reprehensible; whereupon the said Wyndham Wyndham Quin replied, that nothing could be more equitable, inasmuch as to obtain your petitioner's compliance with those terms, he the said Wyndham Wyndham Quin consented to part with a valuable portion of his patronage, and that he was determined to part with no portion thereof without obtaining a *quid pro quo*:

"That the said Carew Smyth, to avoid all misrepresentation, suggested the necesssity of a written instrument from the said Wyndham Wyndham Quin, importing the precise tenor of the contract which he the said Wyndham Wyndham Quin had thus solicited, to which the said Wyndham Wyndham Quin assented; and the said Carew Smyth having reduced the tenor thereof to the form of a minute or written instrument, delivered the same to the said Wyndham Wyndham Quin to deliberate upon, and after mature consideration, to declare whether it fully and fairly comprised his intentions:

"That accordingly, on the next day, the 22nd of September, the said Wyndham Wyndham Quin, attended by Thomas Goold, of the city of Dublin, esq., one of his majesty's counsel (the confidential lawyer of him the said Wyndham Wyndham Quin) came to the house of the said Carew Smyth, when the said Wyndham Wyndham Quin with his own hand delivered to the said Carew Smyth the said instrument in writing, revised and corrected, approved of, and testified by the said Thomas Goold, as the basis of that contract which he the said Wyndham Wyndham Quin sought to establish; and comprising all the terms, conditions, and stipulations hereinbefore recited, for transferring 200*l.* a-year to your petitioner, in consideration of your petitioner's investing him the said Wyndham Wyndham Quin, with an absolute dominion over the future votes and free will of one hundred freemen of the said county; and which instrument, as revised and altered by the said Wyndham Wyndham Quin and the said Thomas Goold, was to the tenor and effect following:

"'That the said Richard Smith was to be 'appointed clerk of the peace, upon an express understanding between him and the 'said Wyndham Wyndham Quin, that the said 'Thomas William Grady was to receive 200*l.* 'a-year out of the profits of the said office; 'and that, on any failure or want of due punc-'tuality in paying this yearly sum to the said 'Thomas William Grady, the said Richard 'Smith should be dismissed from his said of-'fice; and that the said Wyndham Wyndham 'Quin expected that the said Thomas William 'Grady should continue politically connected 'with him, the said Wyndham Wyndham 'Quin, so long as he the said Thomas William 'Grady continued to receive the said 200*l.* a-'year out of the said office, but that the said 'Thomas William Grady was at perfect liberty 'at any time, upon relinquishing the said 200*l.* 'a year, to dispose of his interest as he 'pleased:'

"Your petition humbly shows, that the said written instrument is now in the hands of the said Carew Smyth, subject to such order for production as this honourable House shall think proper to make:

"Your petitioner shows, that the said proposal having been communicated to him at the instance of the said Wyndham Wyndham Quin, he instantly rejected the same with indignation, and feeling himself bound by every constitutional principle to assert the freedom of election, which had been thus invaded, the high privileges of the representatives of the people, which had been thus trampled upon, and the pure administration of justice in his county, which had been thus tampered with, resolved to submit the whole transaction against the said Wyndham Wyndham Quin, and the said Thomas Goold, to the august and elevated jurisdiction of this honourable House:

"That Daniel Gabbett of the city of Limerick, esq., law agent to the said Wyndham Wyndham Quin, being apprized of such your petitioner's intentions, thought it his duty to expostulate with the said Wyndham Wyndham Quin, upon the nature of the proposal he had so made to your petitioner, and cautioning him of the danger he thereby incurred, recommended him to endeavour to rescue himself from the consequences, by offering to your petitioner the said 200*l.* a-year independent of any pledge for election service:

"That the said Wyndham Wyndham Quin, being apparently alarmed at the aforesaid suggestions, wrote the following note to the said Daniel Gabbett, in order to its being shown by him to your petitioner; viz.

"'Mr. Grady may vote as he pleases; if 'he chooses to vote against me, I will not on 'that account deprive him of his situation.

'W. W. QUIN.'

"But your petitioner being advised that it would be improper to meddle with the perquisites of an office, ministerial to justice, in

which office your petitioner had no property, and over which he had no control; and the offer itself, under the circumstances, and at the time in which it was made, had so much the complexion of a bribe to your petitioner for compounding an offence against the state, your petitioner rejected the said 200*l.* a-year, though now unconditionally offered:

"Your petitioner humbly begs leave to refer to the 1st William and Mary, c. 21, sect. 8, by which statute, the said offences so committed by the said Wyndham Wyndham Quin, and Thomas Goold, are declared to be corrupt and criminal; and your petitioner most humbly begs leave to refer to the case of breach of privilege acted upon in the last session by the late House of Commons; there it appeared that Thomas Ferguson, an exciseman of Lanarkshire, offered a place to an elector of that county upon the same conditions as in the present instance (that is to say), on conditions that he would vote for and support the interest of a certain noble lord; and there, that House asserted its high privileges, by chastising the said Ferguson:

"Yet the said Ferguson was not a member of that House, whose high privileges he invaded, nor the son of a peer, and hereditary pillar of that state whose best foundations he undermined, neither was he the first judicial magistrate in his county, nor an office broker in his own county court; and though he did invade the freedom of election, and the privileges of that House, he neither subverted the administration of justice, nor rendered his office instrumental to his guilt:

"Your petitioner therefore humbly prays, That such order shall be made for inquiring into the allegations of this his humble petition, as to the wisdom and dignity of the House shall seem expedient; and your petitioner pledges himself to prove the truth of every fact here alleged, under the peril of incurring the severest censure of this honourable House; and your petitioner humbly observes, that this his petition is not intended to bear, and cannot bear upon the merits of the last election for said county, which took place in June last, whereas all the facts here alleged were committed at a subsequent period, and in contemplation of such future election or elections, as might thereafter take place for the said county of Limerick. And your petitioner, as in duty bound, will ever pray, &c. Thos. Willm. Grady."

The Petition having been read,

Mr. *Wyndham Quin* rose and spoke to the following effect:

Mr. Speaker;—Long as I have had the honour of a seat in this House, I have very seldom offered myself to your notice; and of this I am sure, that I have never done so without experiencing much pain and embarrassment. But, Sir, I should not tell the truth were I not now to say, that I have looked forward with the greatest anxiety to this moment, when I might rise in my place, and declare to the House of Commons, that the charges in that petition are as ungrounded and malicious as were ever attempted to be palmed on a public assembly, or as were ever aimed at the happiness and peace of an individual. Sir, I do most unequivocally and scornfully declare, that that petition does not speak the language of truth. If the House will indulge me for a few moments, I will make a plain statement of facts. It is distinctly admitted, that the circumstances detailed in the petition have no reference whatever to the last election. After that election, I, in the exercise of the undoubted right which I possessed, removed the petitioner from the situation of clerk of the peace. Sir, I will not pretend to conceal that there was another gentleman who appeared to me have stronger claims to that situation, and to be better calculated to fill it with advantage to the public. The question has nothing to do with politics—it has nothing to do with the politics of the county of Limerick; for both the petitioner and the gentleman by whom he was succeeded, uniformly supported me from the first moment at which I became a candidate for the representation of that county. Sir, if the petitioner had been an old servant of the public—if he had been for many years engaged in discharging the duties of a laborious office, the case would have been very different. But what is the fact? It is true, that the petitioner held the situation of clerk of the peace for the county of Limerick for fifteen years. But will the House believe that he is now only three and twenty years of age, and consequently that he must have been appointed when he was about seven or eight years old! [Hear, hear!]. The truth is, that the petitioner never exercised a single function of his office. Every thing was done by a deputy—an underling clerk. I do not pretend to conceal my opinion that the important office in question ought to be discharged in person by the individual by whom it is held; and in making the appointment which I have made of a successor to the petitioner, I did select a gentleman who could discharge, and who does discharge, the duties of that office. Sir, I have already said, that the petitioner always supported me in my elections. Towards him, therefore, I could have no unkind

feelings. When he found that he was to be removed, he told me with an emotion in which I am not ashamed to say, I sympathised with him, that it would be his ruin were no other provision made for him. He even went so far as to say, that he would blow out his brains. Under the impression of this declaration, on the part of the petitioner, I was prepared to feel the full force of suggestions by persons who were interested for him, that probably some provision might be made for him out of the emoluments of the successor to his office; an idea that had not previously occurred to myself. My first step, after receiving these suggestions, was, to take legal advice, in order to ascertain, whether they could be properly complied with. Being satisfied that a compliance with them would not be against the law, I communicated to the petitioner, that I was happy to inform him an arrangement was made in conformity to his wishes; and I believe I added, that I hoped he would not now blow his brains out, as the provision, the amount of which I stated, was greater than he had perhaps entertained any expectation of. When I made that communication, I very little expected the answer that I received. "What!" said my correspondent, "I take 200*l.*! No. Give me 300*l.*, and that I shall consider sufficient." Now, Sir, when I state to the House that the value of the office in question is not more than half that which in the petition it is described to be, I am sure they will think that I should not have been justified in listening to this unreasonable demand [Hear, hear!]. The petitioner says, he refused to accede to the proposition which I made to him. In a few days after the occurrence of the circumstances which I have mentioned, I distinctly understood from the friends of the petitioner, that he was completely satisfied with the arrangement which I had proposed, and with that understanding I went over in a few days to England, abstaining from taking any decided step on the subject, until the petitioner should have ample time to satisfy himself with respect to the extent of his claims. On my return to Ireland, I received a letter from Mr. Carew Smyth, urging and intreating me, in the most anxious manner, to allow him to wait on me in Dublin, on the subject of the arrangement respecting the petitioner. Having made up my mind on that subject, I wished for no farther discussion upon it, but I replied to Mr. Carew Smyth, that I should certainly be happy to see him, but that I was completely determined with respect to the subject on which he wished to communicate with me.—Notwithstanding this intimation, Mr. Carew Smyth persevered in his resolution of calling on me, and the subject was discussed by us over and over again. Sir, the House is told in the petition, that Mr. Carew Smyth subsequently delivered to me, for my approbation, a minute of our conversation on that occasion. The fact is, that Mr. Carew Smyth sent under cover to me a minute (I dare say that which is quoted in the petition), and in a few hours after the receipt of it, when I had read it, and seen what it was, I took the trouble to go myself to Mr. Carew Smyth, to give it to him, and to tell him, which I did, in the presence of a third person, that it did not contain my sentiments; that I would not have any thing to do with it; that Mr. Grady was free to vote for whom he pleased; that I would make no such compact with him; that he was "free as air" [Hear, hear!]. The petitioner says I adopted that minute. How could I adopt it, when I returned it? How could I adopt it unless I signed it, and retained at least a copy? Sir, I gave it back to Mr. Carew Smyth, and I kept no copy of it [Hear, hear!]. The next day I went down into the country. The petitioner came to me, and said that he had been informed by Mr. Carew Smyth, that I attached to the annuity which he was to receive the stipulation that he should vote for me. A neighbouring gentleman was with me, and in the presence of that gentleman I told the petitioner, that if Mr. Carew Smyth had so informed him, Mr. Carew Smyth was utterly wrong, and that he had no authority from me for such a communication. I told him that he must not give credit to any such statement; that I would make no such compact; and that he was free to vote for whom he pleased. When the petitioner pressed the subject farther, I would not listen to him. And after this, Sir, I am to be brought here, and accused of having entered into a corrupt bargain [Hear, hear!]! On a subsequent day I had a communication made to me from the nearest friend of the petitioner, that the impression on his mind was, that although I left him at liberty to vote for whom he pleased, that permission was capable of being construed into an impli-

cation foreign to its apparent tenor. I immediately replied, that I wanted not his vote; that he might vote for whom he pleased; and that if he were to vote in my very face it would not make the slightest difference. But, Sir, it is alleged in this petition, that I did this under the fear of a parliamentary inquiry into my conduct. The House shall judge with what truth this allegation is made. I declare to them upon my honour, as a gentleman and a member of parliament, that at the period in question, I had never the most distant insinuation of such a thing. Mr. Carew Smyth never hinted it to me, nor did any one else. Sir, the petitioner says, that he rejected, with scorn and indignation (those are his words) my offer to him, and that he expressed his determination to bring the matter before parliament. He was indignant at the insult offered to his own honour and the honour of parliament! Sir, if the House will allow me, I will read the letter which I received from the petitioner in answer to the communication made to him. It is dated the 10th of October, and is as follows:—"Dear Sir; I have just had your very handsome offer communicated to me. I accept it for myself, although I must in the first instance consult my cousin, that being a compliment I must pay him.—I am, dear sir, your's, &c. T. W. Grady."

This was the indignation—this was the scorn which the petitioner affected to feel at my proposition! Sir, I have already distinctly disclaimed the imputation attempted to be cast upon me. I have stated, that when I said I would have nothing to do with the vote of the petitioner, a third person was present, whose evidence will bear me out in that assertion, But, if the House will allow me, I will let them into the secret history of this transaction. The ostensible object of the petitioner and his friends is evident. I will show the House what their real object is. The father of the petitioner lives at Boulogne, having some time ago quitted Ireland for reasons which it is not necessary for me to mention. On the 19th of October—and mark! I have stated, that on the 10th, the petitioner wrote to me the letter which I have just read, expressive of his satisfaction. On the 19th of October I received the first of a series of threatening letters from the father of the petitioner. It is couched in these terms—

"Sir;—Underneath you have a copy of a letter written by me to a leading Member of Opposition, with whom I have been the last week in London, who furnished me with extracts and precedents from the Commons' Journals, for the purpose of enabling me to proceed in the business I have undertaken, and to whose advice I have entirely committed myself. I deprecate the idea of threatening, but as I have often done before to your advantage, I offer you advice. I advise you to restore my son to his office of which you deprived him, and to appoint him to it for life before the 1st of next January. I hope your answer will inform me that you mean to take my advice. If I receive no answer, I shall consider that you reject it, and act accordingly. Your's, &c. Thomas Grady."

The letter subjoined, and addressed to a leading member of the opposition, paints me in very black colours. It compares me to the figures of Sin and Death, standing at the gates of Hell [a laugh and cries of Name, name! in the midst of which, sir R. Wilson said, "It is clearly not myself."—A loud laugh]. Then he says [calls of Read, read!], I shall now read the whole of the letter, though I had intended only to read those parts of it which I conceived to be most material in illustrating the motives which gave rise to this charge. Then he says—"That night Mr. Carew Smyth gave me a copy of the famous and memorable minute, which, when you delivered into his hands you delivered to him the death-warrant of your political existence." The House would see pretty clearly from this, what were the motives which gave rise to this charge. It is not for me to say this charge originated in a conspiracy against me, for the purpose of extorting from me the office of clerk of the peace; it is for me to state the facts, and to leave to the House to draw the proper inferences from these facts. He goes on—"A member of no common note came over here to me (that is, to Boulogne), in order to discuss with me the other matter at large, and bringing me over an encouragement from the great body of the opposition." Sir, I should not do justice to myself, did I not now state to the House what was the feeling produced on my mind by such a denunciation of the hostility of the opposition towards me. What meaning did this assertion convey but this?—You have made yourself obnoxious, perhaps, to the opposition members of the House, and they would gladly avail themselves of every

opportunity which presents itself to run you down. No, Sir, I looked with contempt on the threat, and the calumnious allegations which it conveyed against that part of the House towards which I am politically opposed. I had such confidence in the justice and impartiality of the hon. members alluded to, that I felt, if my life and honour were at stake, I would as soon put myself on the opposition side of the House, as on the verdict of a jury, or as on any body of men on earth? He then, Sir, goes on to tell me what course he intends to pursue. "I will first call the attention of the British public to the subject by letters in the public Journals. I will keep the attention of the public alive to the subject, by paragraphs from time to time; and this can be done by me with the greatest ease, without my stirring from my fire-side, in consequence of the arrangements which I have made for that purpose." At the close of this letter, my day of grace was extended from the 12th of November to the 5th of December. The House will see what, in my situation, I should have been guilty of, had I acceded to the offer of the petitioner. Where was, then, the regard for the purity of parliament, and the fear of violating its privileges, of which he boasts? The writer of this letter said he would wait till the fifth of December, before he took any step in the business. Before I state to the House what was the step which I took in consequence of this letter, allow me to observe, what step I might have taken, if I had had the least cause to fear the denunciation of the writer. I had it yet in my power to restore the petitioner to the situation which was the object of his wishes; and if I had the power, what course would I naturally have pursued, if I had had the slightest cause to fear the consequence of any charge which could be brought against me in parliament? But I knew that I stood perfectly clear of all grounds of charge whatever. I knew that I could put myself on the judgment of the House without the slightest apprehension. Sir, I put an end at once to this correspondence; and as I have been charged with acting under the fear of a parliamentary inquiry, I will now read the short answer which I returned to this letter—"Your letter of the 19th of October I received; but I should have answered it only by a contemptuous silence, had I not felt it possible that the person who wrote that letter was suffering at the time from the effects of vexation and disappointment; and as I could hardly conceive that any serious intention was entertained of carrying into execution the design which it announced, my pity prevailed over my resentment. But your letter of the 18th, at once opened my eyes, and it only remains for me to state to you now, as strongly as language can express it, that I defy you to the charge. I tell you that I fear you not—my only fear is, least you should not persevere in bringing forward this charge—not that I conceive there can be any merit in gaining a victory over you, for poor is that victory which is gained over a man who openly and unequivocally avows, that he is not guided by purity of motive. I again repeat, that I defy you to the charge." Having now stated the whole of my case, with your permission, I shall now leave the House. [Loud and repeated cheerings from all parts of the House.]

Sir *R. Wilson* said, that before the hon. member left the House, he begged to assure him, that he knew nothing of the petitioner, and had never heard of the petition till one week before his presenting it. He conceived, that, in justice to himself, he was bound to state this, lest it might be supposed that any of the letters alluded to in those which had been read by the hon. member were addressed to himself. With respect to the hon. member, it was not his duty, and it certainly was not his inclination, to endeavour now to weaken the impression which he had produced on the House. He had not sufficient parliamentary experience to guide him in the course of proceeding which it would now be proper to adopt; and therefore he wished to have the sense of the House on the subject. Willing to yield to the suggestions of members of more experience than himself, and to adopt whatever course was most agreeable to the House, he should in the meantime move, that the petition be referred to a committee of privileges.

Mr. *Peter Moore* thought, that as a charge injurious to the character of the hon. member had been brought against him, he ought to have an opportunity of clearing away the imputation; and he therefore conceived that an inquiry into the circumstances of the case should be ordered. He did not wish to enter into the subject—he could not do better than imitate the example of his hon. friend, who had said he did not wish to weaken

the impression made on the House by the speech of the hon. member. He should therefore second the motion.

Mr. *Wynn* said, that if the allegations of the petition were true, there had been committed one of the greatest breaches of privilege which it was possible to commit—if they were false, this was one of the foulest and most wicked conspiracies that was ever yet brought before the House. It was the duty of the House to hold the petitioner bound to prove his case at the hazard of the severest censure the House could possibly inflict on him; and it was also the duty of the House to inflict the severest censure on him, if he failed to prove his case. He did not wish to trust himself in this stage of the case with expressing any opinion on the subject. Feeling himself placed in the situation of a judge, he wished to defer expressing his opinion on the case, till he knew how far that case could or could not be established. It was hardly necessary for him to mention to the House, that when a charge of this nature was met by the fullest and most ample denial, they owed it to the member against whom the charge was brought to give him an opportunity of justifying himself in the eyes of the public—and they owed it to themselves to see, that that enquiry should be conducted in the most solemn manner. He should feel it as highly desirable that this case should be heard at the bar of the House. In the last case of the same nature, namely, that of Mr. Paul against the late Mr. Sheridan, this was the course which was adopted. In the first place, if this case were referred to a committee of privileges, it would be necessary that all the other numerous committees which were sitting, should suspend their sittings, while the committee of privileges was sitting, in order to ensure a sufficient attendance of members; and that alone formed a strong ground of objection to such a course. He conceived, therefore, that the case should be heard at the bar of the House. It was befitting the character of the House, and the character of the person accused, that this charge should be met as publicly as possible. He hoped the House would investigate the subject in a most scrupulous and ample manner, and under that feeling, that they would hold the petitioner bound to prove his allegations. If these allegations were not substantiated, he exposed himself to the severest censure. He suggested, therefore, to the hon. mover, that it would be more advisable for him to withdraw his motion, that this case might be heard at the bar of the House. The House would next fix the day most convenient for hearing parties and witnesses. From the distance, some time would be required to bring forward witnesses, and the bringing them here would be attended with considerable expense. He should again repeat, that if the charges were unfounded, the House ought to protect the characters of members from being wantonly sported with. He should therefore move, "That the matter of the complaint be heard at the bar of the House."

Sir *Robert Wilson* said, he would withdraw his motion, and second the one moved by Mr. Wynn.—This being agreed to,

Mr. *Wynn* observed, that it would be proper to appoint as early a day for this as would afford time to bring over the witnesses. Perhaps to-morrow fortnight might be convenient; or it might be proper to ascertain first, whether this time would allow the hon. member (Mr. W. Quin) time to bring forward his witnesses.

Lord *Castlereagh* conceived himself bound in justice to the hon. member, against whom the charge was brought, to state his conviction, which he believed was shared by the House, that there never was a case which, *primâ facie*, appeared so completely unfounded. There were the best grounds for presuming that this charge attached not the slightest particle of imputation on the hon. member. He had never heard a case which explained itself so fully in every respect. He thought the House would agree with him that nothing more was wanted, than the latter part of the hon. member's statement, to prove the justice of his assertion in the beginning of it—that there was not a single sentence of truth in the petition. This, he thought, had been fully proved by the letters which had been read. Those letters showed so clearly the motives of the parties, that it was impossible for any one who looked into them, not to see that these motives were no other than to extort from the hon. member the office of clerk of the peace for the county of Limerick, and that the purity of parliament was the last thing in their thoughts. The House were putting the hon. member in a situation of discharging what was due to his own honour, though there was not one who heard him who was not convinced

that he had to defend himself against a charge in which there was not a portion of truth. They would go to the inquiry with a feeling that there never was a case that had more the appearance of being completely groundless.

Mr. *Courtenay* thought that the day proposed would be too early for bringing over the witnesses, and might be very inconvenient, particularly to Mr. Goold, who was of the king's counsel.

Mr. *Wynn* did not think that Mr. Goold was personally affected by the charge. He would only be summoned as a witness. He proposed that the day should be fixed for Monday fortnight subject to alteration.

Mr. *Hutchinson* said, he had a few words to offer in reference to what had fallen from the noble lord and an hon. gentleman on his side of the House. He was far from wishing to weaken the impression made upon the House by the statement of the hon. member, and he only rose to say, that the letters were evidently written at a moment when the writer was in a state of great irritation, and subsequently to the decision of the hon. member. He also rose to state, that there was no gentleman at the Irish bar who bore a more respectable character than Mr. Goold. His reputation ought not to be affected by the present case. The only parties were the petitioner and the hon. member, and it was due to the petitioner, that no imputations should attach to him on account of the letters of his father.

Lord *Castlereagh* in explanation said, that he had stated it was evident that these letters were written to extort from the hon. member a certain office. He apprehended this was a most important circumstance. The office at the time was not legally granted to another person, and the object of the father was, to extort it for his son. The inference he thought pointed very strongly to a conspiracy against the hon. member.

Mr. *Wynn* wished to know if the hon. member had any proposition to submit for bringing over the witnesses earlier.

Mr. *Courtenay* believed that an earlier day would be more convenient. He suggested, therefore, the appointment of Monday se'nnight.

Sir *John Newport* stated, that the circuits in Ireland would all commence between the 8th and 10th March, and it would be more convenient to Mr. Goold to attend before the commencement of the circuit.

Sir *N. Colthurst* observed, that on account of the circuits the witnesses ought to be summoned either for an early day or for a day after the 29th of March, when they would be over.

Sir *J. Newport* thought, that unless Mr. Goold explained what he knew, justice could not be done to the hon. member.

Mr. *Butler* said, that he was sure Mr. Goold would make any sacrifice to support the hon. member.

Mr. *Tierney* did not perceive that the question, if he rightly understood it, really depended upon the evidence of Mr. Goold. Mr. Goold was also engaged in extensive business, and could not attend there without much inconvenience to himself and to others. He knew nothing of that gentleman; but he could not see why he should on this occasion be called away from his business. The member who had spoken last, had said, that Mr. Goold would make any sacrifices; but why should he make any sacrifices?

Sir *John Newport* read from the petition the several parts of the transaction at which Mr. Goold had been present and assisting, in order to show the importance of his evidence.

Lord *Castlereagh* again proposed that the day should be to-morrow se'nnight.

Mr. *Brougham* said, that until he had heard the statement read by the right hon. baronet, he did not know how far Mr. Goold was implicated. He considered the situation of that gentleman one of peculiar delicacy; he had acted in this instance as a professional man, as the counsellor and adviser of Mr. Quin. In that capacity he was charged by the petitioner with an act which certainly would amount to a breach of the privileges of the House; and, indeed, the charge does not stop here—it went further, and amounted to what would appear an act of bribery. In that case, he thought the House might compel the attendance of Mr. Goold to answer the petition.

Mr. *Wynn* conceived that his attendance ought to be ordered, and it would be for the House to exercise their discretion how far he was bound to answer the questions put to him. He regretted that Mr. Quin had not returned to the House as he wished to obtain the name of the writer of the letters, that he might be ordered to attend. Indeed, he was

doubtful whether a counter charge of breach of privilege ought not to be preferred against him.

Mr. *S. Bourne* said, he understood that the writer of the letters was now within the reach of the House, and a summons ought therefore to be served on him *instanter*.

Mr. *Courtenay* thought it was the duty of the House to call on the writer of the letters as an offender himself.

Mr. *Holmes* stated to the House that he had just seen Mr. Quin; that he was anxious to have Mr. Goold as a witness, and that he released him from any professional obligation to secrecy.

The matter of the complaint was then ordered to be heard at the bar of the House on the 8th of March. Mr. S. Bourne then moved, that Thomas Grady be ordered to attend at the bar of the House on Monday se'nnight.

Mr. *Wynn* thought it might be advisable that the writer of the letters should be ordered to attend at an earlier period.

Mr. *Courtenay* said, that the hon. member for the county of Limerick had stated to the House the substantive fact of having received letters from Thomas Grady threatening him with a parliamentary inquiry, if he did not bestow a certain office on his son. He submitted, that this was a substantive breach of the privileges of the House. He now tendered to the House the letters containing the subject of this charge against Grady, and when the House were in possession of the letters of Grady, he should then move that he be summoned forthwith to attend at the bar of the House to explain the said letter.

Notice being taken that Mr. Wyndham Quin, in the course of his speech, stated the contents of a letter received by him, and signed by Thomas Grady, the said letter was delivered in: and Mr. Quin having stated that he had received the said letter, it was read as follows:

Boulogne Sur Mer, 19th Oct.

Sir;—As I have received no answer to my letter, delivered to you by Mr. C. Smyth, I presume you don't mean to answer it, but even that shall not divert me from the course I mean to take in the business; underneath you have the copy of a letter written by me to a leading member of opposition, with whom I have been the last week in London, who furnished me with extracts and precedents from the Commons Journals, for the purpose, and to whose advice I have committed myself; I think it right to assure you that I have not, and shall not, communicate upon this or any future step with Mr. C. Smyth, much less with any body else on the other side of the Irish Channel; I deprecate any idea of a threat, but as I have often done before to your advantage, I offer you advice; I advise you to restore my son to his office, of which you deprived him, by an appointment for life before the first of next January, and by your answer to my letter to inform me that you mean to take my advice; no answer I shall consider as rejecting the advice, and it will be unnecessary for you to write, if you determine upon rejecting it; your answer, or your no answer, will be here, or will not be here, the 12th of November, and to save you further trouble, and me further delay, I think it right to observe, that the suggestion of any middle term will not fall within the scope of my advice.—Sir, your obedient servant,

Thomas Grady.

Copy Letter.

To ——— ——— &c. &c. &c.

——— and here, sir, give me leave to add, that besides assailing the hydra of corruption in the aggregate, he should be attacked in detail, by bringing into public contempt individual instances of public men, who have been not only notoriously corrupt in parliament, but who, by means of the patronage they obtain from the minister, in consideration of their corrupt support, carry the system into their respective counties, debauching and demoralizing the whole mass of society in their districts; it is true the minister may throw the shield of his majorities over them, one after another, but then the individuals will be exposed and detected, until by frequent examples of the sort, every moral and reflecting man in the community shall raise his voice and demand a reform.

To furnish the friends of their country in parliament with the means of commencing the sessions by such an exhibition, I shall here state some facts, and afterwards supply proof of the facts I so state—I will state the case of a representative in parliament for a southern county in Ireland, who became a member of the Commons in 1806, who attached himself with more than common diligence to the opposition until the year 1815, but who then finding that free but barren field no longer worth the cultivating, indented himself to the proprietors of a richer, ranker, and more productive soil; who, during the intervening space of three years, has gleaned from that soil, though indeed his hands have been sullied by the baseness of his drudgery, a viscounty for his father, the promise of an earldom, the patronage of his county, and the office of cust. rot., to which, pursuant to the tenor of his indentures, he has been lately appointed by the present lord lieutenant of Ireland; the patronage of which judicial office, namely, the clerkship of the peace,

(an appointment ministerial to justice), he has since been publicly hawking through the county, and offering to sell it in lots by inch of candle, for votes at the next election; at the late election he was barely returned, having been opposed by a young gentleman strongly connected, highly popular with an interest daily increasing, but whose most important registry was not then mature, in contemplation, therefore, of what he must have to encounter at the next election, he finds it necessary to avail himself of the patronage of his high judicial office, by practices as profligate as they are public.

The office of clerk of the peace, in his nomination (an office material and ministerial to justice; in Ireland peculiarly so, where it involves the administration, not only of criminal, but of civil justice), he has broken up and sold, and offered to sale, in fractions, bargaining with every lot of office for a certain number of freeholders, and this he has done with so little decency or discretion, that a written article for that purpose is at this moment in the hands of a professional gentleman of the highest integrity, ready to be exhibited in parliament, and proved against him, upon any order of the Commons to that effect.

On the 21st of September last, he made a proposal to this effect to the professional person above mentioned, in behalf of that gentleman's client, who has upwards of one hundred registered freeholders on his estate in that county; the professional gentleman, shocked at a proposal which imported the breaking up an office ministerial to justice, and selling a lot of it to the amount of two hundred pounds a year, for the votes and constitutional privileges of a hundred freemen, objected to the conditions thus annexed to the grant; to which the cust. rot. replied, "that it was the only patronage he had in right of his office, and that he could not part with any portion of that patronage without a *quid pro quo*;" to prevent mistakes, it was then agreed, that the proposal and the terms should be reduced to writing, which was accordingly done; the cust. rot. kept the written instrument for several hours, to revise and correct it, then returned with it to the professional gentleman, and with his own hands delivering it (having made some slight alterations in it during his absence) to the professional gentleman, declaring, that it precisely expressed his intentions as to the grant he proposed to make, and as to the considerations he insisted upon for making that grant, requesting that the professional gentleman should keep the original, and send a copy to the party; the party rejected the corrupt conditions with indignation, and thus the transaction became public.

Gracious God! when or where will the system end? Government gives him patronage in consideration of the corrupt support he gives them; he sells that patronage (involving the ministry of justice) to persons, who having bought it, will have a right to sell it at a rate of extortion to the poor suitors of his own county court; the electors, thus bribed, must give him their corrupt support to return him again into parliament, where he again corruptly supports the minister, the source of all this profligacy; the tide of corruption thus circulating, like the blood in a state of fever, forcibly, but unhealthfully, from the heart to the extremities, and from the extremities back again to the heart, inflaming but relaxing, tumifying but infecting every vein and artery in the political organ!!! Hitherto the system worked under ground, but now it stalks abroad, terrific, in the fair face of day; hitherto it skulked within the recesses of its own pandemonium, but now it stands hideous, horrible, and revealed, at the open portals of the constitution; like Death and Sin at the gates of hell!!! Hitherto it was conducted by the agency of a third person, but here is the act committed by the principal himself, invading the freedom of election, violating the high privileges of the House of Commons, subverting the administration of justice, and betraying the government he supports, by furnishing its adversaries with the most luminous document of the system it acts upon that has ever yet risen in judgment against it.

In the very last session (this very cust. rot. then sitting in the House) lord Archibald Hamilton preferred a complaint for breach of privilege against Thomas Ferguson, an exciseman of Lanarkshire, who had offered a place to an elector of that county on conditions of his voting for, and supporting the interest of lord Douglas; the whole House took it up; the minister, ashamed of the charge, avowedly refused to meet it; they ordered the delinquent to their bar; he was forced to confess his own guilt, but denied all privity or participation with lord Douglas; they committed him first to the custody of the serjeant at arms, and afterwards to Newgate. And if the House had not thus asserted its privileges, it would have been no longer a House of Commons.

But the guilt of poor Ferguson was venial, compared to the enormity of the present transaction: Ferguson was not a principal; Ferguson was not an educated man; Ferguson was not a member of that august House whose privileges he thus invaded; Ferguson was not the son of a peer, nor the hereditary pillar of that state whose foundation he thus undermined; Ferguson was not the first judicial magistrate in his own county, nor an office broker in his own county court. Ferguson did certainly invade the freedom of election, and violate the high privileges of the House of Commons, but he neither made his office auxiliary to that purpose, nor subverted the administration of justice. In short, there is no analogy in the extent of crime, and there can be none in the extent of punishment.

How the present House will vindicate itself, whether by expressions, or address to the Prince Regent to remove the cust. rot. from his office, I shall not presume to suggest; but I pledge myself to have the charge brought before it with effect, and irresistibly proved. Thomas Grady.

Commons Journals, May 13th, 1818. "Mr. Wynn this day moved the House, That an humble address be presented to his royal highness the Prince Regent, praying that he would remove Thomas Ferguson from his office of surveyor of customs in the county of Lanark, as he had been found guilty of an act to subvert the freedom of election, and had been declared guilty by that House of a breach of its high privileges.

But the majority of the House, including many of the opposition, were of opinion, that it would be inexpedient to carry the punishment further against such a wretch as Ferguson; and this their opinion they founded upon the three following just and equitable reasons: 1st, Because Ferguson's guilt was not proved by a third person, but unconstitutionally extorted from his own confession, upon his examination before the committee; 2nd, Because to carry the punishment any further against such a wretch as Ferguson, would be beneath the dignity of the House, whose more rigorous chastisement should be reserved for more exalted delinquents; and 3rd, Because it did not appear that Ferguson had rendered his office instrumental to the breach of their privileges.

Now those reasons by which Ferguson was saved from an address to remove him from his office are conclusive against the present delinquent; because, first, his guilt will be proved in due course of law, and not extracted from his own confession; second, because he is the very thing that the House expected to punish in the case of Ferguson, and were disappointed in not finding, namely, an exalted delinquent; third, because he has made his office the source of his corruptions, and notoriously instrumental to the breach of their privileges.

The precedents on this point are numerous upon the Journals, I have extracted a few: in 1702 the House addressed the crown to remove the bishop of Worcester from his office of lord almoner for corrupt interference in an election, and he was removed. In the same year, and for the same offence, the mayor of Winchelsea was taken into custody, and by address was removed from the office of surveyor of customs. In 1705, William Bursted, for the same offence, was taken into custody, and by address removed from the office of receiver of customs. In 1741 the sheriff of Devon was, for the same offence, taken into custody, and by address removed from the office of receiver general of that county. In 1747 William Phelan was, for the same offence, taken into custody, and by address removed from the office of inspector of customs. Such, therefore, is the "lex et consuetudo parliamenti," and it will be for the custos rotulorum, in the present instance, to plead some patent of exemption from the established usage of parliament, and the recognized law of the land; and perhaps the House may be of opinion, that a corrupt candidate is not the safest depositary in the world for the county records, comprising the registry of its freeholders, and all the muniments of its representation.

Mr. *Courtenay* said, that his wish now was, as he understood the writer was within reach, that he should be called *instanter* to the bar. Whatever he felt as to the offence which the letter constituted, it was not his wish to take any further step against the writer at present, than, after ascertaining the authenticity of the letter attributed to him, to take some measures for securing his attendance when the transaction should be examined. He only abstained from taking any other step, because if any steps were taken to punish this offence, it might seem to indicate a wish to obstruct the further examination of the breach of privilege first complained of.

The *Speaker* said, that some care should be taken in the manner of proceeding. The letter having been delivered in by a member, and he having stated that he had received it, the next step before the supposed writer was called to the bar, was, that the House should decide on the character of that letter, namely, whether it was or was not a breach of its privileges.

Mr. *Courtenay* said, his intention had been merely to examine Mr. Grady whether he acknowledged having written the letter, before the House pledged itself to an opinion as to its contents. However, as the Speaker had given a different opinion as to the proper course of proceeding, he should withdraw his motion, for the purpose of substituting another.

Sir *J. Newport* observed, that as the letter in question was without address, before the House proceeded to act on it, it was necessary not only that they should see the propriety of the course, but that they should be able to record their reasons. The first step therefore was, in some manner to verify the fact that the letter was addressed to the member in question: they had then to declare whether the letter in question was a breach of privilege. He hoped the House would not come to a decision rashly; for though, after what they had heard, the impression

on their minds was very strong, it was desirable that they should proceed on grounds which would bear to be recorded. He hoped that the whole transaction would be cleared up; but he trusted, for the honour of the House, as well as of the hon. member, that they would take no unadvised proceeding.

Mr. *Bathurst* believed that every member would agree with him in thinking, that what had fallen from the hon. member for Limerick was of the last importance for its consideration. He could not understand, from what had fallen from the right hon. baronet, whether or no he meant to dispute that this paper, which was enclosed in an envelop, and folded in the usual form, could be considered as a letter. But was it possible to doubt either the nature or the object of that letter, addressed as it was to the county member and *custos rotulorum?* and containing such a passage as this: "I advise you to give this place to my son;" could the House entertain any doubt as to the threat intended to be conveyed by it? He hoped, however, that gentlemen would not now enter into a discussion of any thing but what was already before them. As the writer of the letter was at hand, and immediately amenable to the call of the House, he trusted this opportunity would not be let slip of examining him as to the fact of having written it. It was evidently addressed to the hon. member, in his capacity of *custos rotulorum;* and he could not see what alternative they had but to come to a decision on that particular point. It was clearly intended to influence the political conduct of a member of parliament. He could not consider the passage he had referred to as friendly advice, but as a threat; and, indeed, if it were not a threat, and by consequence a breach of privilege, the matter ought never to have come before them.

Sir *John Newport* said, he had never thrown out a doubt that the letter was intended for the hon. gentleman. It was in the light of a letter that he wished the House to consider the paper; but all he had said was, that it was not, in point of fact, properly addressed to any one. He again expressed his hope, that the House would not proceed hastily before it proceeded further in the business.

Mr. *Bathurst* understood the right hon. baronet to entertain in his own mind, a doubt as to the destination of the letter. The hon. member who had produced it to the House, had stated that he had received it. He would therefore ask any one, if this did not of consequence prove that it was meant for him? The context proved the same thing, and its whole tenor went to operate upon that hon. gentleman's feelings.

Lord *Castlereagh* considered this letter, of itself, but particularly as connected with the circumstances before the House, to contain sufficient evidence of its destination. It was laid on the table by an hon. member, and declared to have been delivered to him. It was, he thought, a threatening letter, intended to influence his conduct as a member. The first step to be taken, therefore, was, to ascertain its precise character. *Non constat* that it was written by Mr. Grady, but the fair presumption was, that he was the writer. He should imagine that there could be no objection to have him before the House. If, indeed, it was not clearly a question of a breach of the privileges of that House, there could be no necessity for it to proceed in the matter.

Mr. *Quin* trusted, that the House would do justice to his motives in having brought this subject to their notice. It was the farthest from his wish, and most foreign to his intentions, to adopt any course which should be the means of that House visiting any individual with censure or with punishment; all that he wished was to perform that duty which he considered to be incumbent upon him.

Mr. *Wynn* thought the chain of evidence in this case was clear and connected; and he viewed it, more particularly after what had fallen from the hon. gentleman opposite, as a high breach of the privileges of that House [cries of Move, move!] It was evidently a threatening letter, and he therefore should move "That the writing and sending of the said letter to the hon. Windham Quin, a member of the House, is a high breach of the privileges of this House."

Mr. *Brougham* said, that as all such questions were of paramount delicacy, it appeared peculiarly necessary that no misstatement should go forth, as to the grounds on which the House came to a decision—and his reason for particularly wishing those grounds to be clearly and particularly stated was, because he did not find any threat held out against the hon. member in his present capacity. There was still, in his opinion, one of the gros-

sest breaches of parliamentary privilege that ever came under the consideration of the House of Commons, comprised in this charge. It was of no consequence whether the hon. gentleman were a member of this House or not—the *gravamen* of the charge was, that the power of parliament would be exerted to induce a gentleman to do a particular act. It was a two-fold breach of parliamentary privilege. In the first place, there was a threat, that the great constitutional power of petitioning parliament would be prostituted to the base end, that of compelling a gentleman to do an act, which he conceived to be improper—and, with respect to this part, it mattered not, as he had before said, whether the individual to whom this threat applied was or was not a member of parliament. In the second place, there was a breach of privilege (though of late years it had not been much insisted on), that of libelling a member of parliament, in his situation as member. There was this, besides, to be observed, that by sending this letter to the hon. gentleman, the writer had committed one act of publication, and, by having previously shown that letter to another individual, he was guilty of a second—each of which was a breach of the privileges of parliament. On all these grounds, he felt that this was clearly a breach of the privileges of the House, and he had conceived it necessary, for his own satisfaction, to state what were his views on the subject.

The resolution was agreed to *nem. con.* Mr. Courtenay then moved, "That Thomas Grady do attend this House forthwith."

Mr. Thomas Grady being called to the bar, and the letter being shown to him he was asked, "If the said letter was in his hand-writing?" to which he replied, "that his eye-sight had been very defective for the last fifteen years, and that by candle-light he could not form an opinion whether the said letter was or was not in his hand-writing; and he could not say whether he wrote the letter or not."

He was ordered to withdraw.

Mr. *Bankes* then observed, that as the witness had professed that he was unable to read by candle light, the House would perhaps indulge him by having the letter read to him. It appeared that he had heard the letter read before, but of this the House could take no notice.

Mr. *Martin*, of Galway, said, that the point was, to identify whether that letter was the writing of Mr. Grady or not. Now, as Mr. Grady had said, that he could not, by candle-light, speak to that point, he could not see how the reading of it would enable him to give a decisive answer to the question.

Mr. Grady being again called in, the House directed the letter should be read to him; and the said letter was read accordingly. And Mr. Grady being asked, "whether he recollected writing such letter?" he replied, "that when he read the letter containing the proposal of Mr. Wyndham Quin to his son, he was much agitated, and conceived it to be in the highest degree corrupt; that under this impression, he wrote twenty or thirty, or perhaps forty sheets on the subject; not one of which he published. He wrote something as long as the letter, and of that nature, but cannot say he wrote that." And being then asked, "whether he sent the letter, or any of those sheets, to Mr. Wyndham Quin?" he replied, "that he did not recollect any thing of that sort in the shape of a letter; what he wrote did not go out of his own bureau; he wrote much of that character, but speculative rather than as a letter; he did not send the letter to Mr. Wyndham Quin; he wrote under agitation, in the nature of essays, not any letters." And then he was directed to withdraw.

Lord *Castlereagh* said, that as the case now stood, Mr. Grady denied, in effect, any acquaintance with the letter before the House. He had admitted that he had written much of a speculative nature on that subject; he had not denied, absolutely the character of the writing, but he had declared his inability to read it by candle-light. It appeared to the noble lord, therefore, that the proper course would be, as this was a case of breach of privilege to detain Mr. Grady in custody till he could read by a more favourable light than the House at present afforded.

Mr. *Brougham* begged to remind the House, that they were not obliged to look to the answers of Mr. Grady alone for evidence, provided they could elicit it from other sources.

Then Mr. Quin, being examined in his place, said, "that he has known the hand-writing of the said Mr. Grady for upwards of 15 years; and he is sure that the letter produced is in the hand-writing of the said Mr. Grady." And being asked, "whether he had the cover of the letter in his possession?" He said, "he had

not, because on the receipt of the letter, finding, when he opened it, that there was not any writing in the inside of the cover, he threw the cover under the grate; but that, if it was meant to ask him if the hand-writing of the direction of the cover was Mr. Grady's he could, without hesitation, take upon himself to say that it was."

Mr. *Wynn* then moved a resolution, that Thomas Grady, by writing and sending the letter in question, had been guilty of a high breach of the privileges of the House.

The *Speaker* suggested that the resolution ought to be divided into two parts; first, a resolution that Thomas Grady did write and send the letter; and next, that by writing and sending it, he had been guilty of a high breach of the privileges of the House.

The question on the first resolution, "That it appears to this House, that the said Thomas Grady did write and send the said letter to the hon. Wyndham Quin, a member of this House," being put,

Mr. *Brougham* wished to state the grounds on which he should vote in the affirmative. It was true, the witness had said that he had never written such a letter to Mr. Quin, although he had written some matter in the form of essays upon the subject; and it also appeared from his testimony, that he had never sent such a letter to the hon. member. On the other side, it was stated by the hon. gentleman, who was not to be looked at at all as a party to this proceeding, that it was the hand-writing of Mr. Grady, and that he had known it for 15 years; the cover enclosing it was in the same hand-writing, and it had been sent to him by the post. Upon the whole, therefore, he thought that there was no reasonable doubt about the matter, and that the case was as clearly made out as was necessary; the inevitable presumption was, that Mr. Grady had sent the letter, although he had not made any such acknowledgment. He said that Mr. Quin was no party to this question, because the letter before the House had nothing to do with the truth or falsehood of the main charge contained in the petition. The story was certainly most improbable, and it had received the most direct and ample contradiction; but still it might be all well founded, and still the same reason would exist for proceeding now against Mr. Grady. Two breaches of privilege had in fact been committed, but one was almost of every day occurrence—too frequent to be provided against.

Mr. *Courtenay* said, that no jury in England could hesitate to find a man guilty of sending a libel upon such evidence; the testimony of Thomas Grady was of no consequence, for a more shameless prevarication had never been witnessed. He was glad that it would not be necessary on a future day that he should be called before the House, it would be impossible to rely upon one syllable he uttered.

Mr. *Wynn* observed, that if any gentleman entertained a doubt that the first letter was sent, it would be as well to ascertain whether the second letter was received to which the first alluded.

Mr. Alderman *Wood* remarked, that although it appeared that the letter complained of was the writing of Mr. Grady, there was no proof that it was sent or caused to be sent by him to Mr. Quin.

Mr. *Bathurst* observed, that if a letter proved to have been written by any individual, was received by the individual to whom it was addressed, it was in law concluded that such letter was sent by the writer, and in this instance it was proved that not only the letter itself, but the envelope was the hand-writing of Thomas Grady.

The Resolution was agreed to; as was also the following: "That Thomas Grady, on having written and sent the said letter, is guilty of a high breach of the privileges of this House." It was then ordered, "That the said Thomas Grady be, for his said offence, committed to Newgate; and that Mr. Speaker do issue his warrants accordingly." On the motion of sir Robert Wilson, a variety of witnesses were ordered to attend the House on the 8th of March.

Mr. Alderman *Wood* observed, that as it was desirable to furnish the House and the country with every possible information with respect to the case of Mr. Quin, in order to form a correct judgment upon the subject, he felt it his duty to move, that the letter of Mr. Grady, together with every other document or statement laid before the House respecting the transaction, should be printed.

Mr. *Wynn* did not see the necessity of adopting this motion, as the letter and statements alluded to would appear in the minutes which were printed for the inform-

ation of the members of the House, and not for that of the public, as the worthy alderman appeared to think.

Mr. Alderman *Wood* repeated his opinion, that the proposition which he had submitted ought to be adopted.

Mr. *Moore* concurred in this opinion, feeling it to be just and necessary, that upon a question, in which the character and liberty of a fellow-subject, as well as the privileges of that House were concerned, the fullest and most accurate information should be adduced.

The *Speaker* observed, that the letter alluded to would appear in the votes, which were printed for the information of the members, but he felt it right to apprize the House, that as there was no short-hand writer present at the time the prisoner was examined at the bar, the substance of his answers only, as they were taken by the clerk, would appear in the votes, and not the questions and answers, as they were put in the regular way.

Mr. *Hutchinson* said, he had not joined in the vote of commitment. He thought the proceeding unusual if not extraordinary and severe: at least the House had proceeded with some precipitation, and it might have been better, perhaps, for the dignity of its own proceedings, if it had restrained itself from sending an unfortunate individual to prison, until the impression produced by the statement of the hon. member had in some degree subsided. He was very anxious that the country should not lose any part of the evidence given at the bar, and tending to justify the commitment.

Mr. Alderman *Wood* added, that he had not joined in the vote, because he really was not fully possessed of the facts, not having entered the House until late.

HOUSE OF LORDS.

Thursday, February 25.

State of Prisons.] Lord *Sidmouth* rose to call their lordships attention to the papers which he had, in obedience to the commands of the Prince Regent, laid on the table, in pursuance of the address moved by the noble marquis opposite for the returns of the State of Prisons and Penitentiary houses. He had the satisfaction of stating that the manner in which these returns appeared to be made, was calculated to remove the apprehension which the noble marquis had entertained, of some inaccuracy in drawing them up. From the examination he himself had given the returns, he did not think that there could be any material imperfection in them. Every pains had certainly been taken to produce accuracy. Letters had been written to all the sheriffs of counties, requiring returns of the state of all the gaols under their superintendence. All the clerks of the peace had also been directed to make similar returns of the prisons under their control or management. Similar directions had been sent to the magistrates of cities; and he was happy to state, that with one or two exceptions, the directions given had been correctly complied with in the returns. If any deficiency should appear, he should be happy to see it pointed out; and assured their lordships, that he would use every endeavour to have it corrected without delay. From England and Wales, the returns were nearly complete, as well as those from Scotland; but some were still wanting from Ireland. Upon the whole, about five-sixths of the returns had been received, and he regarded them as in a state of sufficient completeness to be referred to a committee of their lordships' House. With respect to the number of persons committed, convicted, and executed, their lordships were now accurately informed, by returns regularly made for the whole country, from 1805, when the regulation commenced, down to the last year. There was also a return for the county of Middlesex and the city of London, of the convictions and executions, from 1749 to 1818. It was with great satisfaction he could state, on the authority of these returns, that there had been a decrease of crimes during the last year. The diminution, it was true, was not considerable, but still it was gratifying to observe. It was farther gratifying to observe, that a decrease had taken place in Middlesex and London. In the county of Middlesex it appeared that the diminution had been proportionally greater than in any other county, Rutland and Glamorgan excepted. Some persons had been of opinion, that the state of the prisons was the principal cause of the increase of crimes during late years: others had attributed that increase to the circumstances in which the country was placed. The first proposition, he believed could only be maintained by those who had paid no attention to the many acts of the legislature which had been passed for the regulation and management of prisons,

and to the many other obvious causes of the increase of crimes, besides that on which they had fixed. It was indeed, too much to say, that the increase of crimes was chiefly to be imputed to the state of the prisons. He had little hesitation in asserting, that had every prison in the kingdom been in that state which the most benevolent person could have wished, still the circumstances in which the country had been placed would have increased them. The pressure of the necessary burthens which the country had sustained, the deficiency in the demand for labour, the number of individuals discharged from the army and navy, and all the other circumstances of derangement into which the country had been placed by the sudden change from war to peace, formed a variety of causes which could not fail to induce a tendency to crimes, even if the gaols had been in the best possible state with respect to the means of classification and labour. To look at the state of the gaols as the only cause of the evil which their lordships had to consider, would be taking a very imperfect view of the subject, and one which would be likely to lead to a very incomplete remedy. Even if the best plans had been devised for the classification of prisoners, the crowded state of the gaols, which the increase of crimes had occasioned, would have rendered the proper execution of those plans impracticable. To find an adequate remedy for the evil, their lordships must revert to the real causes of that enormous increase of crimes which had so justly attracted their attention. They must apply their minds to discover the means of removing those causes, and of effectually diminishing crimes, and above all that master crime which, year after year, swelled the melancholy catalogue laid before parliament. The state of the criminal law, as it respected punishments, would also demand their lordships' attention. By some that law was held out as a sanguinary code. Others had conceived that lenity in enforcing it was a great cause of the evil under which the country laboured. As to the supposition, that the execution of the laws had become more sanguinary, he conceived that it was completely contradicted by the returns on the table. It appeared, from the returns for the county of Middlesex and London which commenced in the year 1749, down to the year 1805, when the regular returns began, that the annual average number of convictions was 62, and of executions 43. From the latter period to the present time the average number of convictions, was 107, and of executions only 19. This statement certainly did not exhibit any thing like a sanguinary character in the execution of the laws. It might indeed be a question, whether in some instances they had not been administered with too much leniency. On this part of the question, he could not help observing, that one means of remedying the evil of the increase of crimes would be to take care that the punishments short of death were strictly enforced. He was sorry to say, that in consequence of unavoidable circumstances, the punishment of transportation had lost many of its salutary terrors. The number of persons liable to transportation had so greatly increased within the last seven years, that when they arrived at the place of their destination, it was difficult to find the means of classifying or properly disposing of them. In the hulks, however, a classification had taken place, religious instruction was administered, and constant and regular labour performed. A regulation had also, within the last three years been adopted, which had proved of the greatest advantage, with reference to the behaviour of the convicts. It had been thought proper to discharge those who behaved in an exemplary manner, upon certificates to that effect. The instances were few in which the persons so recommended were not pardoned, and he was happy to say, that the instances were also few in which the persons who had experienced that favour were found to return to their former situation. He should not enter into the question of the propriety of confining convicts in hulks. That system had been resorted to on the loss of our American colonies; and whether it was right or wrong originally, it was certain that it was now greatly improved: this, the returns on their lordships table would show. There was another branch of the subject—imprisonment in gaols for offences; which, from the reports of the magistrates in different parts of the country, had ceased to answer the great purpose of punishment, namely, the prevention of crimes. Those who attributed the increase of crimes to the state of the prisons were generally of opinion, that the object of making imprisonment effectual in this respect, would be attained by a reform of the gaols. It

certainly ought to be their lordships aim to make such regulations, that those who entered a gaol might not become more corrupt than before; but, on the contrary, that they should leave it improved in their habits and morals. He must, however, at the same time contend, that comfort and classification were not the sole objects to which their lordships ought to look. Imprisonment, to produce any good effect, must preserve a penal character. If a person who had been guilty of an offence left his prison with his mind improved, it was right that he should also carry with him a painful recollection of the punishment to which he had rendered himself liable. It was not fit that he should have to give to his neighbours, and those with whom he might afterwards associate, such an account of the situation in which he had been placed, as would diminish the salutary terror of the punishment of imprisonment. While looking to the communication of religious instruction, and the improvement of morals, their lordships would always bear in mind that prisons ought to be instruments of punishment. He did not mean to say that much might not be done by a good system of prison discipline, and that due attention ought not to be directed to that important object; but it would be found that there were many local prisons, the abuses of which depended on circumstances which could not be corrected without great labour and expense. He wished to go into the inquiry with a full conviction of rendering the investigation useful. On that ground he wished to call their lordships attention to the real causes of the increase of crimes. The information laid on the table must form the basis of the inquiry. The evil was one which called upon their lordships to apply their utmost labours to remove. We might be a great, a rich, and a powerful nation; but how could we expect these blessings to continue, if we did not remove those causes of crimes which were calculated to undermine our greatness. However high we might hold our heads, we ought never to forget that the only true foundation of national prosperity was, a religious and moral people. Under these impressions he should move, "That a select committee be appointed to consider of the papers presented on the 19th and 23rd of the present month, relative to the state of the gaols, prisons, and penitentiary houses in the United Kingdom."

The Marquis of *Lansdowne* said, he had heard the speech of the noble viscount with great satisfaction, and was glad he had taken up the subject. It was with much satisfaction he found, that the object which he had in view, when he first addressed their lordships on the subject, came now recommended to them by greater authority. He must, however, observe, that the nature of the inquiry proposed by the noble viscount greatly exceeded, in magnitude and extent, that which he meant to propose. The noble viscount's motion referred all the papers on the table, relating not merely to prisons, but to the increase of crimes, to the committee. In one limited sense this latter part of the inquiry would be of advantage, in enabling their lordships to ascertain how far the state of the prisons was adequate to the increase of offences; but to go into all the causes of crimes, would be an inquiry of too large a description to lead to any speedy or practical result. The noble viscount had adverted to persons who, he said, supposed that the state of prisons was the only cause of the increase of crimes. Who those persons were, he was at a loss to know. The only opinion he had ever heard held on the subject was, not that the state of prisons was the only cause, but that it was a great accessory and accelerating cause of this evil. It was because the other causes required too deep a consideration that he objected to going into that part of the inquiry. It would be better were their lordships to confine themselves to a cause which they could reasonably hope to remove. Unless the committee received a far larger instruction than appeared in the reference of the noble viscount, it would be impossible for them to investigate all the causes of the increase of crimes; and if they did obtain sufficient authority, the inquiry would be too tedious to produce that prompt remedy which the case required, and which, by confining their inquiry, they might speedily apply. If they were to go into the consideration of the criminal law, there were about seven hundred and fifty acts which they would have to examine. They would have to inquire how far these laws were consistent with their object; how far many of them were inconsistent with each other; and how far they might be found capable of carrying with them the feelings and opinion of the public. They would have to

enter into speculations on the effect of the criminal laws, which had engaged the attention of the ablest authors and the greatest legislators. How far it was advisable for a committee on the state of prisons to take up this wide, but certainly not unimportant inquiry, he left for their lordships consideration. He confessed, for his own part, that if their inquiry was persisted in, he must go into the committee with little more than the hope of obtaining, in some few respects, a more uniform rule than at present existed for the management of prisons. It was possible that the committee might be the means of establishing an equal and impartial rule of imprisonment. He did not say this from a feeling that any intentional partiality was at present manifested. The sentences of the judges might be in all similar cases the same, and the intention of the magistrates to see them strictly executed most sincere; yet, from the nature of local jurisdictions, it was impossible but that the most glaring inequalities would take place in the punishment of imprisonment. Another important object which he thought might be accomplished, was the laying down a distinct rule respecting the treatment of prisoners before and after conviction. The noble viscount had told their lordships, that in any regulations for the government of gaols they ought not to lose sight of the penal character of imprisonment; but it surely must be the greatest injustice when that penal character was allowed to commence before conviction. There ought, therefore, to be one system of imprisonment for persons charged with offences, and another for those found guilty; and the latter should besides be made subject to some regular plan of classifiation. Another advantage which might be hoped for from the committee, if its labours were confined to really practicable objects, would be the compelling gaols of local jurisdiction to adopt the general prison discipline, or, where that could not be done, to transfer their prisoners to the nearest county gaol. Lastly, to devise the means of bringing the state of the prisons annually before parliament and the country, might be found an object worthy of the attention of the committee. Above all, it might be found practicable to effect the establishment of some general system of labour, which might be made the means of supporting the expense of the gaols, as well as of reforming the prisoners. To show the beneficial effects of a system of proper classification and labour, it was only necessary to quote an instance mentioned in a very excellent pamphlet written by a highly respectable individual, Mr. Gurney of Norwich, who had recently visited the prisons in the North of England and in Scotland. The instance he alluded to related to Manchester and Glasgow, the population of both which was nearly of a similar character. It appeared that with reference to the prison at Glasgow, where an excellent system of classification and labour was acted upon, of those who quitted the prison not more than one-third returned on fresh charges, whilst at Manchester, where a system of that description was not acted upon, the proportion who returned to the prison amounted to two-thirds of those who quitted it, thus making a difference of one third in favour of the system of classification and labour. It was but fair, however, to add, that no exertions had been spared by the magistrates of Manchester to remedy the defects in their prison, and that they were adopting measures for the purpose of, adapting the system of the prison to the view of reforming its inmates. As he had no intention of opposing the motion, he should not take up the time of their lordships, but merely observe, that every consideration of duty towards the population (if he might use the term) of our prisons, so as to render them useful members of society, and still more every consideration of duty to society in general, called upon their lordships to enter into the examination of this subject, with the view of establishing some system of prison discipline, which should be rendered as effective as possible, for the purposes of the reformation of the inmates of prisons. With regard to local jurisdictions, he thought that if they were unable in any case to bear the expense of sufficiently altering their prisons, some regulations should be introduced to send the prisoners from such local jurisdictions to the county prisons, the former paying the expense of their maintenance.

The motion was then agreed to.

COTTON FACTORIES.] Lord *Kenyon* said, that in rising to propose the appointment of the committee which, on a former occasion, he had postponed, from a consideration of the thinness of the House, he was glad to see a greater num-

ber of noble lords present than had on that occasion attended. The question now to be considered was one of the greatest importance. No less than 50,000 individuals were interested in its decision in Manchester and its neighbourhood. One-third of these persons were below sixteen years of age, and consequently were unable to do any thing for their own protection. The noble lord said he had made inquiries, since this subject was last before the House, into the improvements which were then said to be taking place without legislative interference. It had then been stated, that the master spinners were willing to diminish the hours of labour of their own accord. This he had found was not correct generally. Some had indeed reduced the hours of labour at Stockport, as he had heard from the chairman of the meeting of masters in Lancashire; but others not concurring, the former had been obliged to see their object defeated. At Bolton the hours had been shortened, but in Lancashire not a fourth of the factories had made any change, more than three-fourths of them working the children fourteen hours and a-half a-day. With respect to the heat to which these children were exposed, the House would judge of the injury which it must occasion to their health, when he told them, on the report of a magistrate who had particularly examined the factories, that it usually ran between 76 and 80 degrees of Fahrenheit, and sometimes reached to 85. It would be for noble lords to consider whether such a state of things did not call for inquiry and regulation. The children could not be considered as free labourers; for at the early age at which they entered the factories, they could not be their own masters, nor yet could they be protected by the principles of the common law, against the severity of their masters, on account of the similarity between their situation and that of free labourers, in their not being bound for any definite period. Nothing but a legislative enactment could afford them any effectual protection. The noble lord denied that the agitation of the question, involved in the bill of last year, had any connexion with the disturbances at Manchester last autumn. He then went into a history of the act of 1802, and the bill of last session; and contended, that there were sufficient grounds for inquiry, if not for authorizing a measure of regulation. He moved, therefore, That a committee be appointed to inquire into the state and condition of children employed in the cotton factories, and to report thereon to the House.

The *Lord Chancellor* explained what he meant on a former occasion, by saying, that if the children were treated with the cruelty described by the petitioners, they might apply for the protection of the common law. He had not argued against the motion of the noble lord, but had merely stated, that the evils complained of, if they existed to the extent described, came under the provisions of the common law; and that those who inflicted them, ought to be informed that they were exposing themselves to the punishment which it prescribed for such cases of cruelty. He gave no opinion then on the necessity of inquiry, but merely that the offence of overworking children was one indictable at common law. He saw no reason why the master cotton manufacturers and the master chimney-sweepers should have different principles applied to them than were applied to other trades. A general law ought to be passed, if necessary, for the regulation of manufacturers of all kinds; but it might happen that a particular law, applicable only to children in one trade, might expose them to greater evils than those from which it was intended to protect them. In a country paper he had seen a feeling description of the hardships to which climbing-boys were subjected; but there was no pity expressed for boys compelled to descend into coal-pits at three or four o'clock in the morning.

The Earl of *Rosslyn* entered into a detailed examination of the question, and argued with great force against the motion, expressing a hope that, though the proposition of the noble mover were adopted, the measure which he expected to ground upon it would be resisted. The prayer of the petitions now on the table was not limited to the regulation of the labour of children, but included that of adults. He asked, what would be the consequence of interfering with labour in other cases, so as to fix the rate of wages —which, in fact, a limitation of the hours of labour would amount to. The proposed inquiry, if it took place, should be general. He objected to the motion; but so far from considering himself an enemy of the children who were the objects of the proposed inquiry, he reckoned himself their friend; as they were improved in health, number, and comfort by the free disposal

of their labour. If their hours of working were reduced, their wages must likewise be reduced, and then they might be exposed to the hardships of want. Two sets of children would be employed to do the labour of one, and the half of their present wages could thus only be allowed them.

The Bishop of *Chester* argued warmly and eloquently in support of the motion. Urged, he said, by a regard for the temporal as well as spiritual concerns of a great body of people in his diocese, he had, since the agitation of the question last year, made it a point to visit all the cotton factories within his reach, and he was satisfied that the length of time which the children were obliged to labour, was not only injurious to their health, but destructive to their lives. The right rev. prelate entered feelingly into a discussion of the objections brought forward against the bill of last session.

Earl *Grosvenor* said, that if their lordships agreed to the motion, they would do an act fatal to the best interests of the country. It would be an act of the greatest inhumanity to those children whose interests they wished to protect. He was most anxious that they should not interfere with the great principle of free labour. If they consented to pass this measure, declaring that the children should not work beyond a certain time, it would be expected that the hours of labour should be reduced, and that the wages should not be diminished. Most of the persons employed in these factories were children. Two-thirds were children under the age of 16; five-sixths were children under the age of 20. With regard to the law on this subject, the learned lord on the woolsack had said, that by the common law, no man could treat children with cruelty. The right rev. prelate declared, that this might be true in theory. Now, he must say, that if the law did not reach the case, it was the wish of the petitioners that it should be made to extend to it. They merely desired that their case should be fully understood. He was convinced that, generally speaking, the limitation of hours might be effected without the interference of the legislature, and therefore it would be highly impolitic and dangerous to legislate on the subject of free labour.

The Earl of *Liverpool* said, that this was no question of free labour. It was preposterous to talk of these poor children as free agents. If their lordships adopted this measure, they would not introduce any new principle into their statute-book; but would merely make that effectual by provision, which was now ineffectual for the want of provision. They had heard those who objected to the measure, and they ought now to hear those who supported the principles on which it was founded.

The Earl of *Lauderdale* said, that in every part of the country where cotton factories were established, parents were anxious to send their young children to them, under the idea that they were better taken care of than in any other situation. Sir Robert Peel had never thought of this measure till Mr. Owen had recommended it to him, and sir Robert was much better qualified to judge of its merits than any other person. Upon the whole, he was decidedly hostile to the motion, and he should therefore move, by way of amendment, that there be inserted the words, "silk, hardware, and other manufactures, and also to inquire into the laws respecting the same, and to report their opinion thereupon to the House."

Lord *Holland* said, that their lordships had heard one party, and they should now hear the other. "Audi alteram partem" should be written in golden letters, not only in every court of judicature, but on the walls of every legislative body. In the last session their lordships had received a bill from the Commons, and by reading it a second time, they had admitted that there was *primâ facie* evidence to sanction the measure. It was admitted that the common law was not sufficient, inasmuch as it provided no redress for the parties. In 1802, the law was not confined to apprentices; it appointed inspectors to inquire into the subject, and therefore the doctrine of non-interference must fall to the ground.

The question was then put on the amendment, and their lordships divided: Contents, 6; Not-contents, 19. The original question was then put, and carried.

HOUSE OF COMMONS.

Thursday, February 25.

AGRICULTURAL PETITIONS.] Lord *Ebrington* presented a Petition from certain occupiers of land in the county of Devon, in favour of some further legal protection against the Importation of Foreign Corn. He begged to state, however, that so far from concurring with the

prayer of the petition, he deprecated the idea of again attempting to legislate on this subject. Such an attempt could only serve to excite feelings of irritation which every man must lament.

Mr. *Coke* presented a similar petition from the owners and occupiers of land in the neighbourhood of Lynn, in the county of Norfolk. The hon. gentleman said, that the petition proceeded from a respectable body of yeomen, with whom he was sorry he could not on this occasion agree. In his opinion, the present price of corn was fully sufficient to remunerate the farmer. In one respect, however, he thought the agricultural interest might be essentially relieved, and that was by a repeal of the duties on farmers' horses, duties which were very severe and oppressive. Although he could not concur in the sentiments of the petition, he was firmly convinced of the expediency of giving every proper encouragement to the farmer, and in no view more distinctly than in order to afford employment for the poor. To encourage industry was one of the best ways of amending the poor laws. In his own district, a poor-house had some years ago been erected under Mr. Gilbert's act; but the poor having since been wholly employed, the poor-house had been pulled down.

Mr. *Western* said, he was intrusted with the presentation of three petitions from Essex, similar to those which had just been submitted to the House. They were signed by about 1,200 of his constituents, owners and occupiers of land. He begged leave to observe, that amongst these were many of the great landholders of the county. They stated, and it could not be doubted, that they suffered much from the existing system. He trusted that their complaints would be immediately referred to a committee, and that that committee would proceed to examine the subject without passion or prejudice. In Essex, the farmers did not find it worth their while to proceed with spirit in cultivating the soil: the consequence was, that many labourers were thrown out of employment; and he believed the same observation applied to many other counties. The progress of agriculture was evidently not so great as it was a few years ago; a circumstance that could only be accounted for by the want of due encouragement. In the years 1811, 12, and 13, the number of enclosure bills which passed that House was 385; while, in the last three years, only 135 had been passed.

Lord *Rancliffe* said, he would take this, the first opportunity, of protesting against these petitions. He thought it most extraordinary, that the farmers and land owners should, the very first moment they felt the pressure of a temporary distress, petition for additional duties. They had had many years of prosperity, and he was astonished to see them now coming forward with petitions, the object of which was, to raise the price of bread on the poorer classes of the community.

Mr. *Lyttelton* said, the hon. member for Norfolk, whose opinion on subjects of this kind must always have great weight, had stated, very justly, that if the agricultural horse tax were taken off, it would afford great relief to the farmer. The farmers in the county which he had the honour to represent, felt that tax press most heavily on them; and he should soon have to present a petition from those individuals, praying for some relief from its severe operation. He thought, if government would tolerate a composition for that tax, it would be an extremely beneficial measure; thus, if the farmers were allowed to use a certain number of horses, at particular seasons of the year, when their business absolutely required them, instead of assessing them when they were once employed, for the whole twelve months, it would be a very considerable relief. Such a provision would, in a great degree, meet the wishes of the agriculturists, at the same time that it would not create that jealousy which the prayer of the present petitions had excited to a most alarming extent. The House must see, from the remonstrances of the agriculturists, how dangerous it was to enter on a vicious system of legislation. When once it was commenced, no person could say where it was likely to end. What did the agriculturalists say? They complained to the House that the manufacturers were protected, but they were not. What inference was to be drawn from this complaint? Either that the agriculturists should be also protected, or that the duties imposed for the protection of the manufacturers should be removed. He knew no other way in which the complaint could be got rid of. Either the agriculturist must have protecting duties, or those imposed for the benefit of the manufacturer must be removed. He did not

think the prayer of the petition ought to be granted; and he rather imagined the petitioners themselves did not expect it. The subject, it appeared to him, was introduced as a matter of policy, in order to induce the House to break down that system which had been so long acted on; namely, the importation of heavy duties, or the importation of particular articles from foreign parts, for the purpose of protecting the manufacture of similar articles in this country.

Mr. *C. Dundas* presented a petition from the owners and occupiers of land in the county of Berks, praying for protecting duties on the importation of grain. The petitioners, finding themselves oppressed, under the present state of the law, had deemed it proper to come forward and call for relief from parliament, and he heartily hoped their prayer would be attended to. The farmers could not, the hon. member observed, sell their corn under 80*s.* the quarter, while it could be imported for 56*s.* The consequence was ruinous to them. When provisions were extremely low, it was well known that the trader suffered; but when they produced a fair profit, the manufacturer was assisted, since the agriculturist was enabled to purchase his commodities. The poor-rates would be considerably lessened if the farmer received a just price for his produce: he would then be enabled to give increased wages to his labourers, and that distress, which the existing rate of wages occasioned, would be proportionably diminished.

Mr. *Bennet* presented a similar petition from the owners and occupiers of land in the county of Salop. The hon. member said, that he had, after mature deliberation, agreed to, and supported the measure, connected with this subject, which had passed the House a few sessions ago; but he doubted very much whether any further step could be taken, without producing detriment instead of benefit.

Mr. *Wynn* observed, that he thought it his duty to present a similar petition, signed by many respectable persons in Montgomeryshire. With all his respect, however, for them, he could not support their present application.

Mr. *Byng* said, he held in his hand a petition of similar import, from certain yeomen and farmers in the county of Middlesex. He entirely agreed with them in the opinion, that the soil of the country was capable of producing sufficient corn for the maintenance of its inhabitants, but he deprecated the agitation of the subject at present.

The several petitions were ordered to lie on the table.

PETITION OF MR. THOMAS GRADY.] Sir *Robert Wilson* presented a Petition from Thomas Grady, committed yesterday evening to Newgate, for a breach of the privileges of the House. The petitioner, he observed, had an additional claim on him to present this petition, in consequence of the introduction into it of a letter which had been in his (sir R. Wilson's) possession for three weeks. This letter, dated the 2nd of November, purported to be from the hon. member for the county of Limerick. It was given to him (sir R. Wilson) by the petitioner, in order to show the manner in which the hon. gentleman had replied to the letter written to him by the petitioner; and also, perhaps to impress his mind favourably towards the petitioner, by showing the consideration in which he had been held by the hon. gentleman.—He (sir R. Wilson) would not pretend to say that the letter was genuine, although it had the appearance of being so. It had the proper post mark. It had the signature of the hon. member, and, above all, it expressed those kind feelings which, as he understood from the hon. gentleman's friends, were so natural to him. But then it varied much from the tone of the reply which, he understood from the hon. gentleman last night, he had sent to the petitioner's letter. Perhaps he (sir R. Wilson) was wrong. The hon. gentleman would soon have an opportunity either of acknowledging the letter, or of disclaiming it. He would, therefore, confine himself to a statement of the contents and prayer of the petition.—The petition sat forth,

"That the petitioner was committed to Newgate by order of the House for breach of privilege, in writing and sending to the hon. Wyndham Wyndham Quin a certain letter; that the petitioner humbly submits, that the said W. W. Quin neither showed any superscription or address to him upon the said letter, nor an envelope or post-mark; neither did he show to the House how he received or came by the said letter; and the petitioner is informed that the name of the said W. W. Quin is no where to be found in the said letter; and that the said

W. W. Quin offered no proof that the said letter was intended for him, or sent by the petitioner; that the petitioner has presumptive evidence, coming from the said W. W. Quin, to show that he did not conceive that the said letter stated by him to have been received from the petitioner, was of the offensive nature on which the proceedings of the House were grounded last night; for on the 17th November the petitioner received a letter from the said W. W. Quin, dated the 2nd November, a period subsequent to the time of his alleged receipt of the letter produced by him to the House, and which letter is as follows, the original having been for three weeks in the possession of the hon. member who presented the petition of Thomas William Grady:

'*Adare, 2nd November*, 1818.

"'I stand so perfectly clear of the 'charge intended to be brought against 'me that I shall cherfully commit myself 'to the judgment of the House of Com-'mons; you say I have given you mortal 'offence. I am sorry to hear it, for no-'thing was ever farther from my mind, 'and if I knew when, I should have great 'pleasure of assuring you it was very far 'from my intentions; some long and 'rather angry letters have passed between 'us; I did not begin them; I cannot 'forget that you were very kind to me 'in early life; and I cannot behold our 'ancient intimacy, now on the point of 'being severed, without deep regret: if 'I am cooler than you, you are much the 'abler man of the two; but I think you 'are now rather hasty; however, though 'perhaps you choose it should be for 'the last time, I will still subscribe my-'self, your's truly,

(Signed) 'W. W. Quin.'

"The Petitioner states, that afterwards, on the 15th December, he received another letter from the said W. W. Quin, couched in nearly the same terms of friendship; but which letter the petitioner has not brought to this country; and the petitioner never since that period has received any letter from the said W. W. Quin, of which the petitioner is ready to make oath, subject to the pains and penalties of perjury; further, the petitioner humbly shows, that the said Thomas William Grady being only 23 years of age, and too inexperienced for the important task of instructing counsel, and arranging evidence for the approaching inquiry; there is no person here for that purpose in his behalf, except the petitioner, and unless the House shall be pleased to make an order for the petitioner's liberation, the said charge will be ineffectually supported, and may fall to the ground, to the prejudice of public justice; the petitioner begs leave to add, as a secondary consideration, that he was confined for two months before his arrival in London, with a severe rheumatism in his head, and for the first month after his arrival here, was afflicted with the same disease, of which he is ready to give satisfactory proof; and the petitioner being in his sixtieth year, is apprehensive that further confinement may be attended with serious consequences; the petitioner begs leave to observe, that he might have left the House during the discussion with respect to him, and before any order could have been made for his detention, but he declared to those around him, that he would keep his place, and firmly abide the issue; the petitioner therefore humbly prays, That such order should be made on this his petition, as to the wisdom and dignity of the House shall seem expedient."

On the motion, that the petition be brought up,

Mr. *Quin* said, he had no hesitation whatever in avowing that the letter quoted in the petition had been written by him. He did not conceive, however, that it contained a single sentiment which could be turned against him. The fact was, that when the petitioner first hinted to him his intention of bringing forward a charge which should be made the subject of parliamentary inquiry, he did not believe that he was serious. He had concluded his correspondence with the petitioner with the letter which he had read to the House last night. The petitioner's letter, he had last night observed, was only the first of a series of letters. He admitted that he had answered the petitioner more mildly than perhaps he deserved. He did not, however, wish to visit the act of the father on the son; and he was not ashamed to say, that he recollected that the man to whom he was writing had been kind to him at an early period of his life. In reply to the letter which was quoted in the petition, the petitioner re-stated the substance of his first communication. He (Mr. Quin) then finished the correspondence with the letter which he had read to the House

last night. With respect to the prayer of the petition, he could sincerely assure the House, that there was no hon. member more earnestly desirous than himself to show the petitioner every possible indulgence [Hear, hear!].

Mr. *Hutchinson* observed, that the hon. member for the county of Limerick, had, both on the last and on the present evening made so favourable an impression on the House, that it was a matter of great delicacy to venture any observations on the subject. He trusted that the hon. gentleman who had hitherto conducted himself in so handsome a manner on this occasion, would eventually acquit himself from all imputation discreditable either to himself or his family. He must say, however, that he thought the course pursued by the House towards the petitioner extremely severe. It did not appear to him that the letter in question, even if the production of the petitioner, contained an offence against the privileges of the House of Commons. The petitioner's conduct had been most proper and respectful: sitting below the bar, observing the course the discussion was taking, and hearing the vote for committing him to Newgate, he still patiently waited the execution of the orders of the House. it was his intention, therefore, unless the gallant general should do so, to take an early day of calling the attention of the House to a motion for the petitioner's discharge. He should be very sorry to do any thing that might appear in the slightest degree to reflect on the hon. gentleman, or that might imply any insinuation against him, and therefore he could assure the House that in the step which he was about to take his only motive was to protect an unoffending individual. He gave notice that he would to-morrow make the motion to which he had just adverted.

Mr. *Bootle Wilbraham* said, he possessed no information on the subject but that derived from public sources, but he confessed his surprise at the character of the petition which had been just presented. The first part of the petition appeared to him not to fall short of stating that the House had wrongfully imprisoned the petitioner. It was evident that the petitioner arraigned the conduct of the House towards him. He by no means thought that the petitioner was entitled to the peculiar indulgence of the House and feeling that it was too much for the man who had on Wednesday been committed to prison for a breach of the privileges of the House to expect that he should be set free on Friday, he should certainly oppose the motion for his liberation.

The petition was ordered to be printed

WINDSOR ESTABLISHMENT.] Lord Castlereagh moved the order of the day, for receiving the report on the Royal Establishments at Windsor. The report was brought up, read, and the first and second resolutions agreed to. On the third resolution being read, viz. "That the annual sum of 10,000*l.* be issued out of the civil list revenues to his royal highness the duke of York, to enable his Royal Highness to meet the expenses to which his Royal Highness may be exposed in discharge of the important duties confided to him by parliament, in the care of his majesty's person,"

Mr. *Curwen* said, he was in hopes, in consequence of what took place in the House when this subject was last before them, that those who were in the confidence of his royal highness the duke of York, would have brought from him a disclaimer of his wish to take any allowance from the Civil List for the care of his royal father. This disclaimer would have given satisfaction, not only within these walls, but also elsewhere. It was impossible not to regret that his Royal Highness had not come to such a conclusion. He could not but consider it a matter of deep regret that his Royal Highness had made it a matter of more difficulty and delicacy to take any allowance from the privy purse than from the people at large. He deprecated the necessity in which the House were placed of discussing this question. It was a satifaction, however, to think, that whatever opinion might be entertained respecting this grant, there was but one opinion in the House, that no economy which in the least trenched on the comforts and feelings of our aged monarch was to be countenanced. But it was impossible to connect this grant with the comforts of his majesty. For it was impossible to think that his Royal Highness could be influenced in his attentions to his aged and afflicted parent, by any sum of money which it was in the power of the House to give. Every thing that kindness and attention could possibly do for an aged monarch, the House were sure

would be done by his Royal Highness, without being influenced by any allowance whatever. He did not wish to introduce the other offices held by his Royal Highness into this discussion, with which they had, properly speaking, nothing to do. With respect to the important office, the duties of which his Royal Highness now discharged, though he was one of those who had formerly expressed themselves against his Royal Highness filling that office, he was bound to say, that since his return to it, his administration of the office had been beneficial to the country at large. But, well as the duties of the office of commander in chief were discharged by his Royal Highness, it was impossible for him not to see that this was an office of a new and peculiar description, though under all the circumstances of the times, he was the last man in the country who would be willing to dispense with at present. But he could not avoid perceiving that the various salaries and allowances enjoyed by his Royal Highness for the offices filled by him, made his income equal to about 60,000*l.* a year; and under these circumstances he could not conceive he could be in any want of income. Besides, if his Royal Highness received so much from the country, the country in return had some right to expect some sacrifice from his Royal Highness. The House had been told that this allowance was to enable his Royal Highness to meet the expenses to which he would be exposed in his new office. But what, he would ask, were the expenses which were incidental to the office? He knew of no expenses, but those of posting from London to Windsor for which expenses 500*l.* a year would be amply sufficient—and he should consider it an insult to offer this sum to his royal Highness. What other expenses could he possibly be put to? He could not conceive that his Royal Highness could be put to any expenses beyond that of so small a sum as his Royal Highness would not be disposed to make an addition to the burthens of the country. At a time when there was not a man in the House who did not feel the necessity of a most rigorous economy in every department of our expenditure, he could not see how his Royal Highness, with the liberal allowances which he at present derived from the country, could think of making the trifling expenses to which he might be put in discharging the duties of this office, a pretext for obtaining an additional grant of 10,000*l.* from the country. The noble lord (Castlereagh) had told them, that the House were disposed to deal harder with the royal family, with respect to any grants of money, than with any other individuals. But how could it escape the noble lord with all his penetration, what were the feelings which dictated the votes of last session in the case of the royal dukes. If the House were narrow and rather niggardly to the royal dukes, as he was willing to think in some respects they were, what did it proceed from but this.—Every man who loved the monarchy of this country, thought in the distressed state of the people any addition to their burthens might have the effect of lowering the royal family in the affections of the people. This was a strong mark of the regard of the House for the monarchy—and he said this with a full knowledge of what was then the temper of the House and the country. They wished not to hazard the monarchy by the grant of any one sum, to any branch of the royal family, that could possibly be avoided. After all that had taken place, he could not help viewing it as a circumstance of deep regret that the present grant was again brought before the House. He, for one, would not consent to give a single shilling to his Royal Highness; for he was convinced, that the duties of the office would be equally well exercised without charging one shilling on the public, as if 10,000*l.* a year were given. He should therefore take the sense of the House on this resolution.

Mr. *Robinson* entirely concurred with the hon. gentleman who had spoken last, as to the propriety of keeping out of view, in the present discussion, the duties which his royal highness the duke of York discharged with so much advantage to the country, in his capacity of commander-in-chief; but if it was proper to keep out of view the advantages which the country derived from the services of his royal highness, the House were equally bound to keep out of consideration the salaries which his royal highness received in return for those services. It was not a fit subject for their consideration in the present discussion, what were the emoluments derived by his royal highness from the country, either as a member of the royal family, or in his capacity of commander-in-chief. The question for the consideration of the House now was, if

the situation which had been devolved on his royal highness by parliament did not call on him to perform new duties of a perfectly different description from those of his other offices, and if by this office new duties had devolved on his royal highness, whether it would not be quite anomalous that he should receive no salary, because he already received a salary for the discharge of duties of a perfectly different description? It had been said, that his royal highness ought, in the present situation of the country, to make some sacrifice. There was no man more willing to make sacrifices for the sake of the country than his royal highness, and there could not be a better proof of this than that his royal highness, at this very moment, was discharging the duties of *custos* of his majesty's person, without knowing what the determination of parliament might be with respect to it. The hon. gentleman seemed to complain of ministers for bringing this question unnecessarily forward, particularly when they considered the disposition shown by the House in the votes of last year to the royal dukes. But the objection of last year was not to the principle of the grants to their royal highnesses, but to the amount of the sums asked; whereas, the objection to the present was not to the amount of the sum asked, but to the principle. The difference between the circumstances of the case of last year, and the present was this—that the House were called on last year to vote certain sums to the royal dukes, not for any duty which they were called on to discharge by parliament; whereas parliament were now called on to affix a salary to an office, comprehending duties of the greatest weight, which office the House had imposed the necessity of accepting on his royal highness the duke of York. Parliament had seen fit to appoint him *custos* of the royal person—they felt that this was an office of the greatest importance, not with reference to the comfort and feelings of the king only, but also with reference to the public good—they agreed that this was an office which involved the most important functions, more particularly with reference to the return of the king to the exercise of the royal authority. If it was objected, that at the present moment there was little prospect of his majesty's recovery, he agreed that such recovery was highly improbable; but this did not affect the principle on which the House ought to proceed in the regulation of such an office. They had to look at the present case as a precedent for future times, and as regulating in what manner the duties of a *custos* were to be discharged. There was no analogy whatever between the circumstances of the grants of last year and the present case. It was impossible that his majesty's ministers should not have felt, that as all cases where grants were asked for any member of the royal family, or any individual connected with administration, were certain to be objected to, so in like manner objections would be stated to this. But it was their duty to consider what the nature of the office was, and what had been given to the preceding *custos*; and they would have abandoned a principle if they had not submitted this proposition to the consideration of the House. The House would of course deal with this question as they pleased; but, after the general admission, that it was proper some remuneration ought to be granted to his royal highness for the duties which he was called on to discharge; he thought that 10,000*l.* was a very moderate allowance for these duties; and after the decision, that this allowance ought not to be paid out of the privy purse—he did not see upon what principle it could now be maintained that his royal highness ought not to receive any allowance whatever. Every sound view of policy and justice, therefore, ought to induce them not to agree with the hon. gentleman.

Mr. *Denman* said, that it was with unaffected diffidence he offered himself to the attention of the House, at a time when he was aware there must be so many persons of rank and consideration desirous of stating their sentiments on this most important subject. He should perhaps be thought to stand the more in need of the indulgence of the House, as it was not his intention to enter into any of the legal points of the case. If the arguments on that part of the question urged by his hon. and learned friend (Mr. Scarlett) on the floor had failed to convince the House, he (Mr. Denman) had not the presumption to suppose that any thing he could say would have that effect. With a perspicuity and candour which proved that he was convinced of the truth of the doctrine he maintained, his hon. and learned friend, the solicitor general, had endeavoured to combat those arguments, but most unsuccessfully. After so full and able a discussion, it was in his opinion

‖

impossible, that any thing could be added to alter the opinion of any one member of the House on the subject. But when the right hon. the president of the board of Trade told the House that, in consequence of their decision, that no grant to his royal highness the duke of York should be charged on the privy purse, they were therefore bound to charge one on the public purse, he (Mr. Denman) answered, that the question was still as much open as if that vote had never passed—whether the House would consent to any allowance, from what fund soever, to his Royal Highness, for the discharge of the duties of the office of guardian of his royal father.

Notwithstanding the decision after the late debate, by which the majority of the House expressed their opinion that the privy purse was private property, he could not help thinking that many of the members who voted for the affirmative of that proposition, felt considerable hesitation with respect to the law on the subject; for if, indeed, the question was so clear, so self-evident, that it required a sort of perverse ingenuity to raise any doubt upon it, he was utterly at a loss to conceive what could have induced the noble lord to use language so extraordinary—language, unprecedented, perhaps, within the walls of that House—and to endeavour to intimidate those who ought to vote agreeably to the unbiassed dictates of their conscience, by telling them they would cover themselves with infamy if they differed from him in the construction of the act of parliament in question. Nor could he believe the proposition to be so indisputably clear as it was described, when he heard the right hon. member for the university of Oxford displaying so much studied eloquence, so much prepared rhetoric, so much consummate skill, in order to seduce and captivate the House, in a speech which resembled the appeal of an able and experienced advocate to the passions of a jury for the purpose of obtaining a verdict for his client, rather than a calm and liberal address to a British House of Commons, on a subject of grave constitutional policy. Nay, he was strongly persuaded, that his royal highness the Duke of York himself was convinced, that parliament were not, on any principle of law or right, debarred from drawing on the privy purse—that, having drawn on it once, they might draw on it again; and that the privy purse was liable to all the charges with which parliament might think fit to burthen it. Unless that was his Royal Highness's conviction, what were the House to think of the message which had been communicated to them from his Royal Highness? What interpretation could be given to it but this: "I warn you not to commit a robbery; but, if you do commit a robbery, I will at all events not be an accomplice in the crime?" It was impossible that such a construction ought to be put on his Royal Highness's message; the meaning of which evidently was, "I am aware that you have a right to charge this sum upon the privy purse, although, as a matter of personal delicacy, I cannot take it from that source." In that view, and in that view alone, could the message from his Royal Highness be considered a proper one to that House; although the right hon. member for Oxford had gone a great deal further, and had argued the question on very different grounds. That right hon. gentleman had thought it necessary to take a very extensive view of all the acts of parliament connected with the subject, for the purpose of producing a powerful impression on the feelings of the House. He had performed a kind of sentimental journey through the money bills; and had discovered that the preamble of the first act in the present reign making a settlement of revenue on his majesty (although the usual preamble on such occasions) was one of the most beautiful, classical, and affecting compositions that ever emanated from a public assembly. He (Mr. Denman) was not prepared to deny, that even in the most prosperous times, there was something very interesting in the sacrifices made by a great and liberal people to the splendor of the family who ruled over them. The spectacle was still more affecting of a people labouring under the burthens of a long and expensive war, and oppressed with an enormous and almost intolerable taxation, pressing forward with the strongest feelings of loyalty to lay their hard earnings at the foot of the throne. But it was surely a little cruel, that because the people of England, losing sight of every thing but their affection for the Crown, had for sixty years exhibited towards the royal family the utmost munificence, they should therefore be considered bound to go still further; that their expressions of attachment should be converted into claims upon their purse;

and that, at a time when they were nearly overwhelmed with their difficulties, they should be expected to submit to an increase of their burthens for the purpose of inducing a son to perform the most sacred of all duties to an aged parent. The right hon. member for the university of Oxford had talked of the interesting terms in which a particular preamble was conceived; but how different a preamble must be devised, if the present proposition should be carried into effect: "Forasmuch as it has pleased Almighty God to visit his majesty with severe indisposition; forasmuch as his royal highness the duke of York has been appointed to the care of his majesty's person on account of the affection which he is known to entertain towards his royal parent; forasmuch as on former occasions parliament have voted large sums of money to the royal family in testimony of their loyalty and attachment; of which as his Royal Highness himself now receives 60,000*l.* a-year from the taxes; and whereas the people are already oppressed with burthens beyond their bearing,—it is therefore expedient, and be it enacted, that a further drain should be made on the people for the purpose of granting to his Royal Highness an additional allowance of 10,000*l.* a-year to induce his Royal Highness to act that part towards an aged and afflicted parent of which duty and the ties of nature demand the voluntary performance at his hands." In fact, what were the duties which his Royal Highness was called upon to discharge? Was there one which his relation as son to a parent did not impose upon him? It was said that he should receive a salary for the anxiety, responsibility, and expense entailed on him by the proposed office. Was such anxiety the subject of pecuniary compensation? The real responsibility rested with others; and the expense was so trifling, that it was almost an insult to his Royal Highness to give it a moment's consideration.

The only argument which had been advanced in favour of the proposed grant was, that when the office was first established in 1812, a similar grant had been voted to her majesty the queen. To this he could only say, that in his opinion his right hon. friend near him had done himself the highest honour, and had evinced the accustomed superiority of his judgment, by opposing the grant in 1812. The House too, had, he believed, agreed to grant that sum in 1812, not on any general ground of its propriety, but on account of the peculiar circumstances of her majesty's situation. It was also to be considered, that the country was at that period engaged in an expensive war which was carried on by the most extraordinary exertions, and that it was forced to lay out such heavy sums every day, that 10,000*l.* was felt to be mere dust in the balance, compared with them. But that career of expense was at an end; the reckoning was on the table; and it was the duty of parliament not only to see that that reckoning was paid, but also to try whether the losses of the country could not be repaired by economy. Now was the time for the House vigilantly to exercise its duty as guardian of the public purse, and to take care that not the slightest unnecessary charge should be laid on the people.

The House were told, that the new duties imposed on his Royal Highness were of a high and constitutional nature. It was somewhat singular, that they had never heard of those high and important duties before. No man ever thought that her majesty was performing the duties of a great and laborious and constitutional office when the care of the king was entrusted to her. It might be necessary to use great caution in the selection of persons for the administration of that office, and to see that its duties were properly discharged; but the office itself was not a constitutional one, but one of affection; its duties were those which a wife would naturally wish to perform towards a husband—they were those which a son would naturally wish to perform towards a father. But the House were told of the council which it would be necessary for his Royal Highness to consult in his office of *custos* (Why the word "custos" was used on the occasion he knew not, unless it was for the purpose of concealing a false character under a learned name; guardian was a more intelligible term; and quite as expressive). If that argument were good for any thing, it went to show that the council ought to be paid—not his Royal Highness. The office was not of a constitutional, but of a domestic character, and ought above all others to have been kept sacred from the contamination of a salary. If parliament had once been betrayed into the grant of a salary for that office, when it was proposed to devolve it on another person, that did

not constitute an adequate reason for continuing so unjustifiable an expenditure of the public money. The present was not a time favourable for perseverance in profusion. So far from there being any inconsistency in the conduct of the House in refusing the proposed grant, it appeared to him that the question, whether the money should be granted or not, was peculiarly open at that time. The former question was confined to the privy purse, and he agreed with the noble lord (lord Compton), that any man who doubted the right of imposing the burden on that purse, was justified in not voting for the motion of his right hon. friend. If any honourable member thought the privy purse was private property, that might be a very good reason for his refusal to assent to the motion of his right hon. friend, but it would not justify him in throwing the burden on the people. With regard to the question of the privy purse, the noble lord had gained his object. The present question did not risk that spoliation of private property, that robbery of our afflicted monarch, of which so much had been said. It was no longer necessary to call on the House to resist the attempts at depredation of an infamous minority, contemptible in numbers, rank, property, and talent, and so lost to character, as to have no interest in upholding the principles which bound society together, and to be ready to trample on all the laws of property for the sake of the most trifling advantage—ready, without the slightest remorse, to commit a violation on private property for the sake of 10,000*l.* a year!

There would therefore be no inconsistency in voting with the noble lord on the former occasion, and resisting the present proposition. But let not hon. members flatter themselves that this would be the best mode of obtaining popularity. He firmly believed, with the hon. member for Bristol, that it was unpopular to oppose the grant of so trifling a sum to a member of the royal family, and that those who would buy popularity at the expense of principle, would act wisely by speaking in favour of such grants. He was persuaded that no measure was more likely to acquire to those who supported it, vulgar popularity—the favour of the mob—than a grant of money to the royal family. He thought the hon. member for Galway perfectly correct, when he said, that if the proposition were made to the mob before the hustings at Coventgarden, they would at once grant the money to his Royal Highness. There were no measures better calculated for the attainment of vulgar popularity, than resistance to the Catholic claims (the cry against which had once been so successful), and grants of money to the royal family; and no honourable member, whose object was that kind of popularity, could speculate better than by exciting clamour against those who refused trifling grants to the royal family, and those who were anxious to promote the cause of Catholic emancipation. The determination of the minority in that House on the present occasion, might perhaps bring down an additional cloud of unpopularity on the heads of the Whigs. That, however, was a matter of comparatively little consequence. The path of duty was straight and obvious.

Though 10,000*l.* might be termed a trifling sum, hardly worth debating about, yet no sum could justly be considered as trifling, which the chancellor of the exchequer would find the utmost difficulty in raising by taxation. It should be remembered that the revenue of last year fell short of the expenditure by fourteen millions. It was a subject of congratulation, that the prosperous state of the country was in some respects returning, and some reductions had certainly taken place; but could any man expect the combined operation of growing prosperity and increased economy to diminish that deficiency by one half? And if the expenditure was to exceed the revenue by seven millions, what a condition was that for the country to be in after five years of peace! But even were the right hon. the chancellor of the exchequer to tell the House that the revenue was equal to all the demands upon it, this question would then force itself upon them—"What are the taxes which ought to be abandoned?" He was sure there was not an honourable gentleman who heard him that would not allow there were many taxes, the continued existence of which was a disgrace to the legislature, and which ought therefore to be repealed at the very first possible moment. Such were the *ad valorem* stamp duties, the legacy duties, &c. which began with the war, and ought to have ceased with it, and which were directly hostile to the industry and commerce of the nation. It was true the sum was comparatively small; but when there was the

least prospect or means of enforcing the principle of economy, it ought to be resolutely maintained. Economy must be enforced in many other instances, in order to render it availing; but if the House yielded the principle in one case, they would increase the difficulty of adhering to it in every other. Instead of entering the House with high and heroic professions of loyalty, the proposers of this measure ought to be aware that the subject was one of a much more sombre cast. While parliament was discussing grants of thousands to royal dukes, the questions without doors were, "How many more paupers must be consigned to our workhouses—how much more of misery and crime must exist—in what degree must we add to the contamination of our crouded gaols?" It was for the House of Commons to set their face against the proposal, and make a firm and constitutional stand against every invasion of the great principle of economy. Allusion had naturally been made, in the course of the debate, to what the feelings of his majesty would have been, could he have anticipated the present circumstances. He could not help thinking that if, in the days of his health, the venerable monarch had foreseen his country's glory, and the enormous sacrifices by which that glory had been acquired—if he had foreseen the burthens, the triumphs, and the fame of the country over which he had ruled so long—he could not help thinking that his language would have been—"For myself and my family, whom you have provided for so liberally, whom you have treated so munificently, I can take nothing; but for God's sake spare my people, spare those who have done and suffered so much for me: they deserve it for their noble conduct in the war that is concluded, and they require it, that they may not be disabled from meeting fresh difficulties if they arise, and making all exertions that may be necessary for the glory and independence of the country." Such would have been the sentiments of our patriotic king; such must be the sentiments of those who exercised the sovereign power in his name and on his behalf; and of all the members of his illustrious family. The royal duke in particular, for whom the present grant is proposed, if left to his own magnanimous reflections, would have consulted his feelings and character by a communication the very reverse of that which had been made from him: he would have declared, "It is for Parliament to explain and decide upon their own acts; and if they shall determine that the privy purse is not liable to pay what money they may be disposed to grant, at least let not the public burdens be increased for me." Such sentiments he in his soul believed would have been the rule of conduct in the quarter he alluded to, had not his Royal Highness been deluded by the strange and inflated statements made in that House respecting the flourishing state of the country, which it was impossible to hear without astonishment and disgust. The House ought no longer to be deceived. If they were to go on, piling expense on expense in a time of peace, the consequences must be fatal to the country. It was the duty of the House of Commons to act with firmness on the occasion, the first which had arisen for bringing to a test the sincerity of their professions of economy. To agree to the proposed grant would be disgraceful to them, and a matter of reproach to the royal duke who was the object of it. To refuse it would be to sustain their character with the nation, and to protect even the royal family itself from the effects of the extravagance of the present administration.

Mr *Peel*, as he had been very pointedly alluded to by the hon. and learned member who had just sat down, begged to be indulged with a very few words, in notice of the hon. and learned gentleman's extemporaneous effusion. The hon. and learned member, however, must recollect that it was not every one who had the advantage of three days to make a reply. The hon. and learned gentleman quarrelled with his reference to the acts of parliament on this subject, and had talked of his making a sort of sentimental journey through the statute book. Now, he could only say, that if it was to be called a journey, it was one which he had made in company with some of the hon. and learned member's friends, to whom he referred him as having led the way. But it seemed that even the hon. and learned member himself had not thought the journey unpleasant, as he had gone some part of the same way and treated the House with a preamble of his own.

A Member, whose name we could not learn, said, that the privy purse had appeared to him to be the proper source

from which to take this grant, and therefore he had supported the amendment on a former night. But he had never doubted the propriety of granting the sum itself, and therefore he should now support the resolution. The House had no right to call upon any individual, in any station of life, to perform a duty without assigning an adequate remuneration; and he felt that he could be charged with no inconsistency in supporting the grant on the present occasion, although he had voted on the previous night that it should be taken from the privy purse. If he had gained any popularity by the former vote, he might now lose it; but he was careless as to the consequences while he acted according to the dictates of his reason and conscience. He allowed, that in the present state of the country, every farthing that could be saved ought to be saved; but would any man assert that a great reduction had not been made in the expenditure, so as to enable the country easily to sustain this small additional burthen? The sum of 10,000*l.* could not be considered an extravagant grant; either that sum should be given or nothing.

Mr. *Martin*, of Galway, said, he had but one sentence to utter in explanation; if he made it two, it would be one too much. He begged to state, that, in the committee he had not said that he would leave the vote to the decision of the rabble at Covent-garden; he stated that he would address himself to the population of England and Ireland from the hustings; he did not mean the mob—he meant the nobility, not the mobility—the nobility and gentry of the cities of London and Westminster, as a fair specimen of the rank and property of the united kingdom. He would scorn to address the rabble—the ragged rabble. If new duties were cast upon the duke of York, was it fair to expect that he should discharge them for nothing? Ought the House to permit him to discharge them for nothing? He would put a case to the hon. and learned gentleman. Suppose he were to find, on searching some musty record, that he was heir to a peerage, and wished to have his claim asserted by counsel, would not all his learned friends reply, "Oh! my dear sir, we can take no fee from you?" And would not the hon. and learned gentleman reply, "Oh! my dear sir, but you must, for I can very well afford to pay it?" He would insist upon paying all that could be expected. This was exactly similar to the case of the duke of York. The country could afford to pay the 10,000*l.*, and on the part of his constituents he freely gave it.

Mr. *Bernal* said, that without any anxiety to catch at the favour of the populace, he felt justly solicitous to earn that favourable opinion of the public which was generally the reward of a conscientious performance of public duty. The question before the House was one on which he thought the people had come to a decision very different from what an hon. member imagined. It was not a question of the pounds, shillings, or pence in the grant, but whether the principle of economy, which the House professed, was merely to be embraced in theory, and to be rejected in every instance that it was to be applied to practice. They now heard, for the first time, that this sum of 10,000*l.* was to be considered as the salary of the new office of *custos personæ*. By referring to the 52nd of the king they would see in the preamble, that a similar sum was granted to the queen, not as a reward for duties to be performed, but to meet increased expenses to which she would be exposed. They had not now heard it attempted to be proved, what new expenses were thrown upon the duke of York, and the grant was defended as a salary. The right hon. gentleman and others who had supported the amendment on the former night, by proposing to take the sum of 10,000*l.* a year from the privy purse, had not precluded themselves from opposing the grant if they were driven to do so. They naturally wished to avoid putting the duke of York in the situation of a claimant for a paltry sum from the public, by granting him a remuneration out of a fund which might without injustice have been so applied. But if he had been so ill-advised as to reject a grant from that source, the House was bound to do its duty. As a representative, not of the city he had the honour to sit for, but of the whole kingdom, he declared that he should not think he had done his duty, if he did not reject the grant which, if carried, would weaken the best cement of the throne—the confidence of a thinking and powerful nation.

Mr. *R. B. Cooper* said, that the House had not met for the purpose of imposing burthens on the people, but rather to consider in what manner a part of the funds put at their disposal by the death of her majesty might be applied. They had

before determined that the privy purse was not the fund from which the *custos* should be remunerated: they were now called upon to decide whether he should be remunerated at all. He could not help feeling that the most ample provision should be made for this and the other parts of the Windsor establishment. When they considered his majesty as a man aged, afflicted, destitute, they would wish him to be surrounded with every comfort —when they considered him as their king, they would wish him to continue invested with dignity and splendor—but when they reflected also that he was an excellent man and an excellent king, that his reign had been marked with glory, and his life illustrated by the practice of every virtue, they should not withhold from him a tribute of the affections of a loyal and grateful people. He therefore hoped that the motion of which an hon. member had given notice, for restoring the two equerries, would be agreed to, and that his majesty would be surrounded by every testimony of their veneration, till he was removed to a higher and better kingdom.

Mr. *J. Gordon* commenced a speech in support of the grant, by observing, that he would make no professions, because they were generally understood to mean nothing; but the hon. gentleman spoke in so low a tone, that we could catch only fragments of sentences. We understood him to say, that he thought the sum reasonable on account of the magnitude and importance of the duties of the *custos*.

Mr. *W. Williams* hoped that the House would bear with him, while, for the first time, he offered a few observations to their notice. He could not entirely concur with any gentleman who had yet spoken. The question in no way depended upon the love and esteem the House bore for his majesty's person. He was well convinced that the nation would make any sacrifice if it could contribute to the personal comfort of their afflicted monarch, but it was most preposterous to argue that the grant of 10,000*l.* a year to the duke of York would in any way contribute to the king's personal comforts. Those who so contended, in fact asserted, that the duke of York would be more attentive to his aged and benighted parent in proportion to the amount he received for those attentions. This was an imputation that could not be merited: but, indeed, the whole discussion seemed calculated to lessen the respect of the people for the royal family placed over them. He could not agree, that by any act of parliament, much less by the 39th and 40th of the king, the privy purse had been made private and untangible property; if it were, what right had parliament, in 1812, to impose new burthens upon it? This answer was decisive. He was by no means disposed to concur in the report of the committee on the Windsor establishment: he highly disapproved of many parts of it, and he had read with disgust the minutiæ inserted relating to the royal household. What had the nation to do with the kitchen or the clothes of his majesty? What effect could such details produce but that of lessening the royal dignity in the eyes of the public? He sincerely wished that the House could retrace its steps in this respect, and vote the whole sum for the Windsor establishment in one mass, to be privately apportioned. It was not without deep regret that he entered upon the consideration of the question now before the House; he wished it had been avoided; but since it was here, it must be decided. By referring to the printed debates of 1812, it would be found, that even at that time the chancellor of the exchequer had not proposed the grant of 10,000*l.* to the queen, without an apology for the largeness of the sum. Yet a more sincere lover of his king and country could not be found than the late Mr. Perceval. If, then, at that period, the minister himself thought 10,000*l* too much, it became the House to determine with caution what it ought now to assign to the duke of York, as faithful guardians of the national purse. He could not persuade himself that 10,000*l.* was the proper amount; nor could he be satisfied if nothing were given. It had been said on a former night, that in questions of this kind, if any doubt existed, the benefit of it ought to be given to the Crown. He was quite of a different opinion; for if any doubt existed, it ought unquestionably to be given in favour of the people. He was, therefore, on these various grounds, disposed to steer a middle course; and whether he was or was not supported, he should feel it his duty to move an amendment, by leaving out "10,000*l.*," and inserting "5,000*l.*" instead thereof.

Mr. *Long Wellesley* thought he should be guilty of a gross dereliction of public duty, and a great violation of public ho-

nour, if he agreed to the motion. He would not be deterred by any expressions which might be used from any part of the House from taking that line which he thought proper. He agreed very much in the view taken of this subject by the hon. member who had just sat down. Looking to the reductions effected in the Windsor establishment, he must be permitted to express his astonishment at finding their amount so small. With that hon. member he looked with a feeling of extreme disgust at the manner in which those retrenchments had been conducted; they had been made on no one fair or solid principle of public economy. If the sum of 10,000*l.* was considered as too much for the duke of York, what could be said of the 6,200*l.* appointed for carriages and horses? The sum of 10,000*l.* appeared to him to be too great, particularly as the chancellor of the exchequer in 1812, on the establishment of the situation, said, that it was given to the queen for other purposes. He would vote for any sum which a fair and just economy would think proper; but doubted whether the sum of 10,000*l.* ought to be considered as for the expenses of travelling to Windsor. He begged to be understood not to give his vote as against his royal highness personally, or any other member of the royal family; but standing there as he did, an unbiassed and independent member of parliament, he thought it his duty to stand between the people and an unfair and exorbitant grant.

Lord *Ebrington* said, that although he was conscious of his inability to make any material addition to the arguments which had been already adduced in support of his view of the subject, especially after the eminently able speeches of the two distinguished legal gentlemen (Messrs. Scarlett and Denman) he felt it his duty to state the grounds upon which he meant to vote on this question. He maintained, that the conclusion on the other side was incorrect, that because the gentlemen with whom he had the honour to act had, on a former night, voted that the 10,000*l.* a year proposed to be granted to the *custos personæ* should be paid out of the privy purse, it was therefore to be argued, that they recognized the propriety of that grant, or were pledged to support it. The line of argument, indeed, pursued by his right hon. friend fully guarded, he thought, against any such conclusion. For the substance of that argument was, that if any additional expense should be incurred by the individual appointed to superintend the care of the king's person, that expense ought to be defrayed out of the privy purse of his majesty. But there was no admission, either direct or implied, that any such expense would necessarily arise. His right hon. friend had very properly argued, that any such expense should be paid out of the private funds of the king, and he (lord E.) was confident, that if such an arrangement were made, and any lucid interval should occur to his majesty, he would express the gratification of his feelings that his private property was so appropriated, instead of having any expense incurred by his son for the care of his person, saddled upon the public purse, in addition to all the burthens which it was condemned to defray. His majesty would, he had no doubt, in such an event, be extremely discontented with the ministers, who had thus dragged his favourite son into public discussion upon such a subject. Those ministers had, indeed, incurred a very serious responsibility by such conduct; for they had hazarded the popularity of a most meritorious individual. The merits of the duke of York were universally acknowledged, and especially in his high station as commander in chief, in which he had, during a period of peculiar difficulty conducted himself with peculiar credit. His friends, therefore, and the friends of the royal family in general, had great reason to complain of those who had obtruded a proposition upon the House which was so unhappily calculated to depreciate the character of his Royal Highness. The precedent as to the allowance to the queen was, in his opinion, in no degree applicable to this case, and still less was the proposition of the right hon. gentleman (Mr. Robinson) admissible, that the House was called upon in this case to establish a precedent for the grant of 10,000*l.* a year to any future *custos personæ*. The noble lord concluded with expressing his intention to vote, not only against the original motion, but against the amendment.

Mr. *S. Cocks* regretted that the name of the duke of York should have been brought so often before the House. The situation of *custos* was a great public office, in which there were great public duties to perform. The House and the country were bound to take care of his majesty's person; and were also bound to appoint

a special person to have the superintendance of his majesty's concerns and the care of his person. The parliament thought the queen during her life was the person best fitted for the situation. The *custos personæ* was a great public officer, who deserved remuneration for performing the duties of a situation of great trust and responsibility. What would be the feelings of the House, if a private individual was appointed to the situation? Would they not pay him? Certainly they would. The duke of York, therefore, considered as a private person, deserved the grant which was proposed to be given to him. The hon. member said, he was far from being desirous of wasting the public money, but he could not think that this grant could tend to produce that effect.

Mr. *D. W. Harvey*, considering the distressed state of the country, could not consent to a needless and wanton expenditure of the public money. If he felt satisfied, that the office of *custos* required the salary of 10,000*l.* a-year on the part of the duke of York, that is, that it made the additional expense absolutely necessary, no man would more cheerfully grant it than himself. For what were they called upon to sanction such a grant? To give dignity to the office? No. The House never intended that the sum of 10,000*l.* should be expended to give additional lustre to the duke of York. Some gentlemen had recommended to make a distinction between the office and the person who held it. That he thought impossible. In the occupancy of the office, we could never forget that his royal highness was invested with that office, and that his Royal Highness was the son of the king. The hon. member wished that ministers had favoured the House with an estimate of the supposed expenses incurred by the duke of York for this extra exercise of filial duty. If they had ventured upon such a curious calculation, the items would be found consolidated into one general sum—the expense of post-hire from London to Windsor! In viewing the various offices of his Royal Highness, he could not forget that the duke, besides his 18,000*l.* a-year, was commander-in-chief, with all its emoluments, and that he also received a considerable sum from the droits of Admiralty. The 10,000*l.* a-year could not therefore add to his dignity or splendor. It was degrading to the royal family to say that this office would receive its dignity from the amount of the sum to be granted, and not from the importance of the office itself. For the same reason that he objected to the sum of 10,000*l.* as a remuneration to the royal duke, he should object to the proposed reduction of it to 5,000*l.* It was disgusting to read the printed details of several items in the proposed establishment at Windsor, and he thought that it must be, in like manner extremely unpleasant to cause an exact account to be made out of the various minute expenses which might arise to the royal duke in passing from Oatlands to Windsor, in order to discharge the duty of *custos personæ* to his majesty. And yet, in order to form a just estimate of the sum which should be granted for these expenses, such an account ought to be made out and presented to the House, if the attempt should be persisted in, of throwing that expense on the civil list [Much coughing.] He was about to sit down; but before he did so, he must say, that he would always construe such coughs into cheers.

Mr. *Wynn* did not think that this was a proper time to mix up in the question the considerations of what was given to the royal Duke as commander-in-chief of the army. The word salary had now been introduced for the first time, in examining the provision which should be made for the *custos* of his majesty's person. It would have shocked their feelings, if, at the time when the appointment of a *custos* was first introduced, a salary had been proposed for her majesty. Mr. Perceval, on that occasion, as an inducement for the House to comply in voting the sum which he proposed for the *custos*, said, that it was to be considered that the queen would not lead a life of seclusion, and would be subject to many expenses besides those which were merely incidental to the office. For his part, he (Mr. W.) gave his vote on that occasion for the increased grant, on the consideration that it was not merely for the expense of the *custos*. If he had been deceived, it was by the declaration which had been made. He thought, however, that the House did right in giving credit to the declaration, because, if, in consequence of ill-health, her majesty had been obliged to go to Weymouth, or Bath, there would have been a considerable addition of expense. What was the next change? When, from ill-health, it became evident that her majesty could not continue the duty, it was

cast upon the council, and then, although it was attended with much inconvenience and expense to them, yet it was not proposed to give them one shilling. He wished that no application had been made to the House on the present occasion; but if they were to go into the details of the question, they should consider it as a salary, or take the expenses altogether. With his feelings on the subject, the sum originally proposed appeared to him so much more than what could be justified by the circumstances of the case, that he found it impossible to give his assent to the proposed grant of 10,000*l.* to his Royal Highness.

Mr. *Bathurst* wished to impress upon the minds of gentlemen, that the royal duke, in his situation of *custos*, became an officer of the public, and therefore deserved remuneration for his services. His Royal Highness had not solicited this additional public duty; it was imposed upon him by an act of parliament. The question was a question of money—how much might be saved by a refusal of the proposed grant. The sum of 10,000*l.* was proposed on the one side of the House, and 5,000*l.* on the other. For his part, he would support the former sum. If his Royal Highness deserved any salary or compensation, 10,000*l.* was not too much.

Lord *Carhampton* said, that he rose with reluctance to offer opposition to any grant to any branch of the royal family, much more to the illustrious commander in chief. But that feeling would not prevent him from discharging his duty as an independent member of that House, or dissuade him from resisting, as far as his individual efforts could extend, that most unprincipled, unfeeling, audacious (he was about to use another epithet) demand upon the public purse. In opposing that attempt on the public, or rather the rapacity of those who wanted to pay court to the royal family, he felt he best evinced his respectful and loyal attachment to the Crown, for he was convinced that the attempt was made more to serve the views of the courtiers than to advance the interests of the monarchy itself. In the last session the ministers endeavoured to obtain a grant for the royal family, which the House of Commons refused. After that failure, they must be aware that if they did not succeed in the present instance, out they must go. It was most probable, therefore, that as they feared they should now walk out, they were laying the train, for more easily walking in hereafter [a laugh, and hear, hear!]; for the House might rest assured, that if this expense was once saddled on the country, it would never be got rid of. Those who ventured to ask for such a grant in the present circumstances of the country, would hereafter find plausible reasons for its continuance. He did not think, even if the House of Commons were so forgetful of their duty as to grant it, his royal highness the duke of York would accept it: he felt convinced he would not. That, illustrious personage must feel that his honour, his dignity, his unsullied character were best preserved by not being mixed with the discussion of such a question. He would feel the influence of all those considerations which the state of the country excited: he would recollect the conduct which the duke of Richelieu, in the embarrassed state of France, pursued. He would tell the ministers, that after parliament had granted him an allowance of 50,000*l.* a year, they should not have exhibited him to the country as so grasping as to require 10,000*l.* for the mere trouble of occasionally driving from Oatlands to Windsor. Depend upon it the illustrious duke would not be outdone by a Frenchman. But the House must be convinced, that if the 10,000*l.* was once granted, out of the red book it would never get. Even if a demise of the Crown took place, the House would then hear some new proposition for making the grant permanent. If they feared the effect of a motion for its continuance, the same would be disguised in the shape of an equivalent. Precedents for this course of proceeding unhappily were not rare. They could be found in the equivalents granted to the commissioners of the Irish lottery, and to the commissioners in Eyre. One of those Irish lottery commissioners died—one should have supposed his equivalent would have died with him. No such thing—another commissioner was appointed. When it was asked, how this could happen, as there were no lotteries in Ireland? The answer and the reason were—True, there are none, but there may be. The same reasoning would become again available. It might be asked, why continue the 10,000*l.* when there was no *custos*, or when there was no sovereign, whose infirmity demanded a guardian. Aye, would the minister answer—there is no *custos* now—but one may be wanted hereafter—

and at all events it was wiser to keep a *custos* on the establishment. If it could have entered the contemplation of parliament, that such an unexpected and disastrous event as the death of the princess Charlotte would have so speedily occurred, would the House have been justified in granting a sum of 50,000*l.* to the prince Leopold, all amiable as he was? Such a consideration should have its due effect on the House, when grants of this nature were proposed to be placed on the public purse. The refusal of it in the present instance could not injure the popularity of the duke of York. In the army every soldier loved him; and, as one who had the honour of belonging to that profession, and who yielded to no man in his affectionate regard for the commander in chief, he felt it his duty to show that the military men in that House were not less likely than other independent members to discharge their duty to the country; and that they in their representative capacity were not bound, to use a vulgar, but apposite expression, on all occasions "to go with the shop."

Mr. *Hart* observed, that the question resolved itself into this—Whether such a grant ought to be imposed on a distressed and miserable people, and by so doing, disgrace be brought upon the character of the royal personage for whose use it was demanded?

Mr. *Griffith* expressed his intention of detaining the House for a very short time. From the flourishing account of our resources which had been given by a noble lord on a former night, he might be disposed to concede the sum proposed as a remuneration to the royal duke; but since that night he had found, from authentic documents that the highly-coloured picture of the noble lord was but a daub. Since that night he had heard, from a very respectable correspondent at Liverpool, that a house at Bolton in Lancashire had failed; by which 4,000 persons were thrown out of employment. He had also heard that six houses at Manchester had failed. The hon. member, in proof of the distress of the country, next alluded to some circumstance respecting horses employed in agriculture, and concluded by saying, that under these circumstances he did not think it right to give his assent to the proposed remuneration for an office which it was the filial duty of his royal highness to perform.

Mr. *R. Ellison* would support the grant as long as his venerable sovereign lived, and he had no fear that such an expense would be made perpetual. He thought there was not a man in England who, upon hearing or reading of the present debate, would think the sum of 10,000*l.* a remuneration too great for his Royal Highness.

Mr. *Fremantle* spoke at some length in favour of the grant of 10,000*l.* No man, he said, was a stronger advocate for economy than himself, but he should always draw the distinction between economy and parsimony. He had been told of the distress of the country, and it had been represented as being so great, that it would be utterly impossible to raise the sum of 10,000*l.* by taxation. Was it possible to conceive that the country was really in so wretched a condition? Could it for a moment be believed, that this great commercial country, with all its advantages, both abroad and at home, was reduced to a state so contemptible? He was persuaded that if the feelings of the people were consulted, they would unanimously declare in favour of the grant; they would, as Englishmen, judge with loyalty, with liberality, and with justice. The hon. member concluded by saying, that he never gave a vote more cordially than he should that of this evening for the salary to his Royal Highness.

Mr. *Tierney* began by assuring the House that he should not detain them long, but, in the few observations which he had to make, he was anxious to set himself right with those hon. members who had appeared to think that in his speech, on a former night, he had allowed the propriety of the grant, and had merely disputed about the fund from which it ought to be taken. He had made no such admission; he had most distinctly avoided any allusion to such a topic, having then no other object than to record a principle, that the privy purse should be charged with what he could not but consider a private expense appertaining to the king. That principle having been negatived by the House, there still remained a question, whether any farther expenses than those already allowed for the Windsor establishment were necessary in consequence of the office of *custos*. Now, what was the state of the case? A bill was already in operation, appointing the duke of York *custos*. His Royal Highness had already entered upon his office, and yet the bill which settled the appointment had not said a syl-

lable about any salary, nor had the duke himself applied for any. In other words, the office, instead of being considered, as in all other cases, connected with the salary, had, in this case, been considered as so entirely distinct from any question of emolument, that not merely the lords who sent down the bill, and who, indeed, in strictness ought not to originate such matter, but even the Commons had not, in any stage of the proceedings, given a hint of the necessity of any remuneration. How was it that his majesty's ministers had thought proper to keep this question back until now? The House had a right to be strictly informed as to the reasons of such an informal and anomalous proceeding. It was not from the feelings of the royal duke that this application originated; for in the communication which his Royal Highness had made to the House, through the noble lord, he had expressed his willingness and anxiety to fulfil the duties of his office without any compensation; though, if one should be voted, he would not accept it, if it were to be charged on the privy purse. The House, then, had no information which might guide them, either with respect to the motive or the amount of the grant now called for; and in the absence of such data, they must look to the nature of the office itself. In general, when parliament had to legislate respecting any great office, they had means of judging at once how far the salary was proportioned to the duties or usefulness of the functions; but here no such measure was presented to enable them to come to a fair decision. He really regretted as much as any man to descend to the minutiæ of pounds, shillings, and pence; but there was no other mode of treating such a question; and whatever of disgust belonged to it, was to be attributed to ministers who forced the subject upon the attention of the House, and not upon the House, who did their duty in submitting it to a thorough examination [Cheers]. To come, then, to the estimate of the expenses which his Royal Highness might probably incur in consequence of this new office, he had no doubt that every attention which the warmest filial affection could suggest would be cheerfully and constantly paid by the royal Duke to his afflicted father. Still, the only sort of attention that he could pay, would be that of visiting him once or twice a-week at the most; more than that he was sure the physicians would not be likely to allow. Would, then, any man rise up, and venture to say that 10,000*l.* was not too large a sum for the hire of post-horses from Oatlands to Windsor, or from London to Windsor, once or even twice a-week? Was it not obvious that a tenth part of 10,000*l.* would be enough to cover such an expense? Yet, what other expense could there be? was there any other; and if so, why was it kept back from the knowledge of the House? What was the real state of the case? Was the duke of York in want of 10,000*l.* a-year? If so; let ministers speak out, and not come to the House in this sneaking paltry manner, to shuffle them out of their money under false pretences [loud cheers]. But it is said, that certain acts of liberality must necessarily devolve upon the *custos*. Be it so, but parliament has alresdy provided a fund for those donations, and there was no probability of any fresh drains. But then it was pretended, that the nature of the office was of the highest and most solemn importance; nay, that it was absolutely necessary for the safety of the king and country. Was it so? Then he must say, that the king and country had both been very ill treated by his majesty's ministers; for this high and necessary office had been in virtual suspension ever since June last, and in actual positive suspension since November, A month, at least, before the death of her majesty, the ministers must have seen, as well as the public, that there was no likelihood of the long absence of that melancholy event; and yet they took no steps to supply the approaching vacancy in this indispensable office! Her majesty died in November: the indispensable office became vacant; yet ministers stood still. Why was not parliament called together? Why was this great constitutional office, as ministers affected to call it, suffered to be in abeyance? Was it a choice of evils only; and was it thought the severer of the two, that ministers should have a parliament, than that his majesty should go without his *custos*? But this office, about which so much high sounding language was uttered, was after all, not a public one [Hear, hear! from the ministerial benches]. He would repeat, that it was not a public office: if it had been one, it could not have been exercised by the queen. No man, he supposed, was so rash as to pretend that the queen consort could exercise a public and responsible office. The

custos was not in any sense responsible; it was his council alone that were so; no trust was reposed in him; the council deliberated; the council examined; the council made the report; the *custos* only received it. Where, then, were the high duties that were to involve him in such extraordinary expenses? The House had been told that the lords of the bedchamber and the groom of the stole, whom it had been thought necessary to discharge, had yet expressed an anxious wish to continue their duties about their sovereign gratuitously, from the affection they bore him. The commissioners of the privy purse performed their functions gratuitously; the council received no remuneration for their important services; and yet all these persons must, more or less, incur expense in the discharge of their several duties, which they cheerfully bore out of regard to their afflicted king. And yet we were to be told that the duke of York, whose office would be comparatively trifling, and whose affection must be supposed to be stronger, could not visit his own father without the incentive of 10,000*l.* a-year. He would have no trouble as to the management of the royal establishment, for there was a groom and his deputy expressly for that purpose. His only duty would be to look after the medical attendants, and to receive their report. This was all that had been done hitherto, at least during the last nine months. But then it was said, that it was seemly and decorous that the *custos* should be well paid; but was it not also seemly and decorous that 10,000*l.* a-year should not be taken from a suffering people without a satisfactory explanation of its necessity? Was it not a shocking thing for ministers to place the Duke in this invidious light, that while even the discharged lords and grooms were eager to serve from affection alone, the son should require a large remuneration for the discharge of mere filial duties? The ministers told the House that the Duke was in a peculiar situation; that he held a high office as commander-in-chief, which demanded his daily attendance. What then? Which of his two offices was to be neglected? Was it that of commander-in-chief; and if so, was he to be paid 10,000*l.* a-year for that neglect; and for no better reason than that he was to be whirled backwards and forwards from Windsor to London, and from London to Windsor, once or twice a week? This would be to set up a new standard for the remuneration of service; and on future occasions there would be a precedent for stifling all inquiry as to the quantity of labour or the quantity of usefulness. Yes; but, says the noble lord, this is a case of one of the royal family. So much the worse. It was for the royal family to set an example. It was for them, by their forbearance, to make the privations of other men more palatable. Eagerness and rapacity in the highest quarter would produce only discontent and disgust. He had deprecated and lamented this discussion as much as any man, and he thought that ministers would have reason to lament the result; though he had little doubt that, by the united efforts of themselves and their new coadjutors, they would gain their object that night. They would soon see, that the minority, though branded with the title of infamous, would carry great weight throughout the country. In negativing the present motion, he did not mean to refuse payment of any reasonable expenses to the royal Duke, the amount of which might be taken into consideration after the present question was disposed of. He had only to suggest, that those who were for the amendment, as well as those who were directly opposed to the proposition of the noble lord, should all vote together, in the first instance, against the 10,000*l.*; and there might be a second division as to the amended amount: for both his own friends, and those who were for the amendment, were equally disposed to resist an exorbitant grant, for which no ground had been, or could be shown.

Mr. *Canning* observed, that it was evident the gentlemen on the other side, were determined to think ministers in the wrong, whatever course they pursued. When in compliance with the feelings of the House and of the country, they had cut down the Windsor establishment, and had entered into minute details of expenditure, the necessity for which he cordially agreed with many hon. gentlemen in regretting, the cry on the other side was, "Why do you not propose at once a general comprehensive measure, instead of wasting the attention of parliament on such petty details?" When, in compliance with this suggestion, the ministers reserved from the detailed communication of the committee, one great item of the proposed establishment (the 10,000*l.* a year to the *custos*;) and proposed it at

once for the vote of the House, on its own obvious merits; up got an hon. gentleman (Mr. Williams), a lover of wholesale measures too, and insisted on cutting this item in half. That proposition, however, though sufficiently contradictory to the general doctrine preached to-night, did not satisfy the right hon. gentleman opposite (Mr. Tierney), who, as if wishing to drive the House *ad absurdum*, was not content with splitting the wholesale vote, framed according to his own special recommendation into two, but was anxious further to reduce it into fractions, and to calculate, to a farthing, the amount of expense to which the *custos* could, by possibility, be exposed. It might have been expected, that some credit would be given to ministers for not asking any thing exorbitant, after the experience which the House had had of the labours of the committee on the Windsor establishment. It must be pretty clear, that ministers had conducted themselves with every possible regard to economy, when, with all the vigilance and jealousy that could be brought to bear on the examination of their plan for the reduced establishment at Windsor, the only diminution that the committee could find room to suggest, was, the striking off two equerries—value under 1,000*l.* a year; a saving so paltry, that it was difficult to imagine that it had been suggested for any other reason, than to save the honour of an economizing committee. Throughout the evening there had been the strongest wish expressed to avoid any general review of the proposed establishment, and to confine the debate simply to the one question of the 10,000*l.* a year; yet of the hon. gentleman who had spoken, not one had refrained from entering on the larger question; and least of all an hon. and learned gentleman (Mr. Denman), who had risen early in the debate; and who, after stating his desire that every point should be avoided but the specific question before the House, and after complaining that a right hon. gentleman had, on a former night, made a set speech on the subject, had himself contrived to illustrate his own rule by descanting, in an oration seemingly of the same species on every possible topic that could come under parliamentary cognizance; beginning with the distresses of the country, and ending with the Catholic question.

Whether the spirit with which ministers had been actuated in reducing the Windsor establishment to its present scale, (a scale, he must say, grating to the feelings of all, and justifiable only by the considerations which dictated it) showed them to be insensible to the public distress, and to the motives arising out of it for rigid and unsparing economy, it was for the House to judge. Such a reduction of the establishment of the royal invalid was, to ministers, a most painful duty; but the performance of it was a sacrifice to the wishes and expectations of the people. They were not without apprehension, that even in this object, and with these motives, they might have gone too far. They had no apprehension that parsimony itself could grudge the establishment which was now proposed. The gentlemen on the other side had not treated the question before the House fairly. They had argued as if the *custos* was a new office, now first created, with a new salary of 10,000*l.* a year, now first about to be conferred on it. Had that been the fact, parliament would certainly have had a right to demand a minute detail of every item of the duty, and every shilling of the expense. But the case was very different. The House were called on, not to build, but to pull down: not to lay new foundations, but to examine with what propriety any part of the existing structure could be removed. In doing this, however, it was their duty not to make unseemly rents in the edifice, or to let in the unhallowed gaze of vulgar curiosity on the naked wretchedness of unsheltered majesty. They should recollect that though afflicted and helpless, the sufferer was still their sovereign. The hon. and learned gentleman opposite had said, that a vote of the House acceding to the proposed grant, would be a popular vote. He was really at a loss to know where the hon. and learned gentleman gathered his notions of popularity. But this he (Mr. Canning) would say, that, whether that House was to be considered as the exciter or the echo of the feeling out of doors, he did not on all occasions think popular clamour the best criterion of the state of the public mind. He was sure there was a large, although perhaps not the largest class, who felt that the present was a question on which it was disgraceful to enter on beggarly details of possible saving. His majesty's ministers, therefore, had no easy task to perform to meet the expectations of one part of the community, and not to

offend the feelings of the other. They had endeavoured to take a reasonable course between the two, and he repeated, that whatever might be the feelings of those, feelings which he thought entitled to no small degree of respect; who conceived the reduction to have been excessive and irreverent; he had no apprehension of not having satisfied the most sanguine economists by a reduction which cut down the expenses from 158,000*l.* to 60,000*l.* including the 10,000*l.* for the *custos*.

This one benefit had certainly arisen from the committee of inquiry that it was felt and even allowed by the hon. gentleman opposite, that the establishment at Windsor could not possibly be reduced any lower. Of the 50,000*l.* allotted for that establishment, the repairs of Windsor castle alone amounted to 20,000*l.* a year; leaving only 30,000*l.* for the other expenses of the king's household. No one could grudge the 20,000*l.* annually applied to the repairs of Windsor Castle; not merely as the dwelling place of its present venerable inhabitant (fit shrine for such a relic!) but—even supposing that purpose at an end—for the purpose of preserving to future ages so grand a monument of ancient national magnificence. The whole question, therefore, for the House to consider was, whether, in comparison with the original amount of expense, such a reduction had taken place in the total charge as was consistent, on the one hand with the due maintenance of the office, and on the other with the just expectation of the country; or whether it was the duty of parliament to cut off the allowance to the *custos* also, for the sake of adding another 10,000*l.* to the savings? As to curtailing the allowance to the *custos*, and voting him a smaller sum, he supposed no one would persist in so offensive a suggestion. It would be at once to disgrace the office, and to render the economy ridiculous.

And here he must remark, in answer to the observation, that that sum would be a burthen to the country, that, although not to save what there was an opportunity of saving might be extravagance, it could not in this instance be fairly described as entailing a burthen on the country. The charge exists. It exists as part of an establishment, more than one half of which is surrendered to the wants of the country. Not to surrender all, is *pro tanto* to maintain existing expenditure—but it is an outrage to sense as well as decency, to call it the creation of a burthen. He would say but a few words on the question of the responsibility of the *custos*, on the absence of which responsibility the right hon. gentleman had placed so much reliance. As a legal question he was not prepared to argue it; nor did he suppose that many precedents existed on the subject. Happily, there had not been frequent occasion for the agitation of such a topic; but, looking at the question with the eye of constitutional analogy, he should certainly say, that a *custos*, though a queen consort, was a responsible functionary. Queens consort had been appointed regents in the absence of the king. Was that an office of responsibility? But however that question (and he admitted it to be a nice and delicate one) might be decided, he presumed that parliament had the power of creating a responsible office; and that the office of *custos* had been made so, he thought must be obvious on the least consideration of the subject. As to the allowance, if he were asked whether he thought his royal highness, the duke of York, would incur additional expense in the discharge of the duties of his new office, he would answer, that upon his conscience he believed his Royal Highness would.—But what may that expense be? That he could not pretend to calculate; but the House, he was persuaded, would consider how many claims of ancient pensioners on her late majesty's charity at Windsor, not provided for in any degree by any public arrangement before her demise, would now look to his Royal Highness's benevolence; and found upon his Royal Highness's succession to his royal parent's office, a claim to his hereditary bounty. No man, he would venture to say, ever came to the head of a considerable office in the state,—of however inferior rank or emolument—without finding new claims to his pecuniary assistance growing up around him, far beyond any which arose out of the possession of income from other more independent sources. Such claims are not susceptible of estimate; but they increase in amount and importunity, in proportion to the rank and importance of the office,—in proportion (he might add) to the known generosity of the holder. He was therefore for the whole grant of 10,000*l.* Without entering into the nice calculations of the right hon. gentleman, who conceived that the expenses of postchaise horses and

postboys might be covered by 1,500*l.* a year, he would say at once, that when he coupled the necessary expenditure of the office with the generous disposition which belonged to him by whom it was to be incurred, he was not disposed to gage the exact amount of that expenditure, or the exact extent of that disposition; or to examine minutely whether the original proposition of 10,000*l.* would meet the demands on his Royal Highness, leaving some fractional benefit; or whether those demands might not be brought within 5,000*l.*; or whether they even could not be covered by the 1,500*l.* named by the next bidder. It was enough for him to know, that the grant now proposed was not thought by the last parliament too large to be given to the queen consort, when the custody of his majesty's person was confided to her superintendance, to feel satisfied that it was not more than ought, under similar circumstances, to be allowed to the duke of York.

In the last debate on the subject, it had been asked by an hon. gentleman, whether the duty of his Royal Highness as commander in chief was to be neglected for that which fell on him as *custos* to the king? If there existed any incompatibility between the office of commander in chief and that of *custos*, and it was supposed that it would be impracticable for one person to discharge the duties of both situations, that was an argument applicable, not to the sum which his Royal Highness was to receive, nor to the question of the fund from which that sum ought to be paid, but to the appointment altogether. Why was not that objection urged when the bill for appointing the duke of York the successor to his royal mother as *custos* of his majesty came down from the House of Lords? It came down unincumbered with any pecuniary arrangements; and although that latter circumstance by no means warranted the supposition that the Lords intended his Royal Highness should hold the office without fee or reward, yet it certainly facilitated very much the uninvidious statement of any objection to his Royal Highness's appointment to the office. Why was not the statement then plainly made that his Royal Highness's time was already sufficiently engaged in the discharge of his military functions? With all that laudable regard for retrenchment which the hon. gentlemen opposite so warmly professed, he hoped they did not, on that occasion, carry their economical notions so far as to overlook the objections to the appointment arising from the incompatibility of the two offices, merely because the silence of the bill as to any pecuniary consideration warranted the hope of getting a cheap *custos* in the person of his Royal Highness the duke of York. The fact certainly was, that his Royal Highness had accepted the office without any stipulation whatever. The House of Commons might, if such were their pleasure, hold his Royal Highness to his bargain; but he trusted they would not be inclined to throw on his Royal Highness the additional expense which must attach to the situation in question, merely because his Royal Highness, without any previous condition, had accepted an important office, which perhaps, under such circumstances, no other man would have accepted. The course which had been adopted on this occasion had in his opinion, been wisely chosen. Its object had been to exonerate the duke of York from all suspicion—which nevertheless had been in a manner charged against his Royal Highness—of having an eye to emolument when taking upon himself the office to which he had been appointed. The duke of York was now in the office. Pay him, or pay him not, there his Royal Highness was, and the House were sure that, be their determination what it might, he would discharge the duties of his new trust with zeal and fidelity. Of this they had already an ample earnest, in the manner in which his Royal Highness had long discharged the duties belonging to his situation as commander in chief—duties which he (Mr. Canning) was confident would in no way interfere with those of *custos*.

But the message delivered by his noble friend on a former night from his Royal Highness had not escaped animadversion and censure. A worthy alderman on the other side of the House had talked of the indignation which that message excited in his mind, and of the astonishment with which he heard that his Royal Highness was disposed to relinquish all emolument rather than plunge his hand into his father's private purse. He (Mr. Canning) could hardly conceive how feelings of such a description could be awakened by the indication of a principle less intent on the acquisition of gain than delicate as to the source whence it was to be derived. But perhaps the worthy alderman would have advised his Royal Highness to follow the

old maxim:

"————————Rem facias rem,
Si possis, recte; si non, quocunque modo rem."

—a maxim which he (Mr. Canning) trusted did not govern the conduct of the great mercantile community of which the worthy alderman was the representative.

The great argument of the other night, however, he understood to be given up. He believed it was no longer contended by the hon. gentlemen opposite, that the privy purse ought not to be held sacred [Symptoms of dissent were here manifested on the opposition side of the House.] He begged pardon if he was wrong: but he really thought that the argument to which he alluded had been given up, as every speaker on the opposite side of the House had carefully avoided touching upon it that night. He was now to understand, then, that the argument was not given up? The right hon. gentleman then, retained his opinion with respect to the liability of the privy purse? But now, it appears, he thinks that the *custos* ought not to be paid *at all*. With this last opinion could any thing be more preposterous than the right hon. gentleman's having suffered the House to debate eight or ten hours on a former night on the question then brought before them? On that occasion the debate must have been, not whether the duke of York ought to receive a certain sum out of the privy purse—which certainly every human being except the right hon. propounder of the question imagined to be the matter in dispute,—but whether, if his Royal Highness were to be paid at all, he ought to be paid out of that fund or out of another. He (Mr. C.) well knew the ingenuity with which hon. gentlemen could bring the same subject under the consideration of the House in different shapes; but really this was the first instance he had met with, in his parliamentary experience of a debate and a division on an hypothesis —on a question moulded for no other purpose than to gratify a speculative curiosity! How fortunate it was for the right hon. gentleman on that occasion, that the division on his proposition was so different from what he evidently expected! To the last moment of the debate he seemed to think that he should effect his object, and to anticipate the result with high glee. As the question was, contrary to these expectations, decided against the right hon. gentleman, no embarrassment ensued; but had the result been different—had it been determined that the privy purse *was* the proper fund to be applied to for the sum to be paid to the *custos*,—pleased as the right hon. gentleman would have been with this affirmation of his doctrine—yet into what a scrape would he have led the House! for his next step must have been to turn round and convince the House that no grant whatever ought to be made, and that the proposition which they had just affirmed was a pure abstract proposition leading to no practical result whatever. He was the more desirous to point out this strange absurdity, as there were many young and unskilled members in the House, who as yet were but little acquainted with the right hon. gentleman's dexterity, whom it might therefore be necessary to put on their guard. The great danger from the right hon. gentleman was, not when he deviated into what he intended to be pleasantry; nor even when he indulged in general declamation, however great his ability in all ways; but when he took another course—when he assumed the earnest tone of straight-forward, country-gentleman-like plainness and sincerity, declaring his grave, confirmed, sober conviction on any point—O! then came the moment of peril:—then, if they were not wary, would the right hon. gentleman entrap some of them, as he had done on a former night, into a vote for a proposition, the real character of which they little suspected. Had the right hon. gentleman's proposition on Monday been carried in the affirmative—had the House decided that the privy purse was a proper fund to be made liable to pay the sum to be allowed the *custos* of his majesty's person, many hon. members would have come down to the House on the present evening for the purpose of voting the money; but then it appeared that the right hon. gentleman would have turned round upon them, and have moved that no money should be paid at all [Cries of No! from the Opposition benches]. Nay, if it were denied that such would have been the right hon. gentleman's course, he (Mr. Canning) felt himself at a greater loss than ever on the subject. Was he to understand, that if the House had determined that the privy purse should bear the charge, the right hon. gentleman would have had no objection to the annual allowance of 10,000*l*.? [Mr. Tierney said, that in that case he should have had no objection to it in the world.] Mr.

Canning thanked the right hon. gentleman for his information, and declared that he had not understood before, and he was persuaded the public had not understood, that the 10,000*l.* might be paid to the duke of York and welcome, provided it were taken out of the privy purse. What, then, became of all the arguments directed against the grant itself, as extravagant to give, and unbecoming to receive? He did not mean to say that these were the arguments of the right hon. gentleman himself, but they were the arguments of the right hon. gentleman's friends, almost every one of whom had contended, that the *custos* ought not to be paid at all. But it now appeared, that in the right hon. gentleman's opinion, all their arguments were good for nothing; that the payment might be a very fit payment to be made,—and that, in effect, the only real question to-night, as on the former night, was, out of what fund that payment should come? He (Mr. C.) would state why, in his opinion, the privy purse ought not to be that fund. He had not arrived at that conclusion from supposing that there was any inherent quality in a privy purse of the sovereign of this country which ought to render it, in all cases and under all circumstances, sacred; but he could not forget, that successive acts of parliament had made the privy purse of the present sovereign his own peculiar property,—had fenced it round as strictly or more strictly than the property of any private individual was guarded by the laws. It was true, that, originally, the privy purse was a part of the civil list, and that at the commencement of the present reign no character of sanctity was attached to it. But, in the exact proportion in which parliament interfered with the other parts of the civil list, had they recognized the privy purse as the property of the sovereign. It had been first so recognized in the proceeding of 1780, of which Mr. Burke was the mover. Secondly, in the bill founded on that proceeding, which was brought into the House in 1782, but not carried into a law. Thirdly, in the act which passed in 1786, embodying, and enacting the system framed by Mr. Burke. In all these cases the whole of the civil list was brought under the control of parliament, except the privy purse, which was specially exempted from it; and, in the last case, which gave to these arrangements the form of law, the amount of the privy purse was specifically stated, as at present, at 60,000*l.* Fourthly, the Regency bill of 1788 secured the privy purse, its profits and savings, to the king. Fifthly, by an act passed in 1799, the power, in the king, of bequeathing those savings as private property was distinctly recognized. Sixthly, by the act of 1811, which set apart the privy purse as the indubitable property of the Crown, as it had been set apart by the Regency bill of 1788—a precedent the more important as it could not be doubted, that the latter had received the approbation and sanction of his majesty after his recovery. And lastly, the act of 1812 completely set the question at rest.

Having thus, with a brevity for which he ought to apologize, enumerated the series of acts by which the legislature had given a new character to the fund in question, he would make a few observations on what had fallen the other night from an hon. and learned gentleman (Mr. Scarlett) who had discussed this part of the subject with infinite acuteness and ingenuity. He could assure that hon. and learned gentleman that he had witnessed the exercise of his talents on that occasion with as much satisfaction as could have been felt by any one of those who shouted around him. In reply to his right hon. friend, the member for the University of Oxford, the hon. and learned gentleman had declared, that the preamble of the act passed in the early part of the present reign for regulating the civil list, which had been quoted by his right hon. friend, was not more conspicuous for expressions of gratitude to the sovereign than the preamble of the act of the 1st of George 2nd, but was in fact *verbatim* in the same language. He (Mr. C.) confessed that he had been astounded at this declaration; knowing, or at least believing, that George 2nd had not surrendered the hereditary revenues of the Crown to the disposal of parliament, but had enjoyed them all his life; and seeing that the surrender of those hereditary revenues by the present king, on his accession to the throne, had been the chief topic of acknowledgment and panegyric in the preamble of the act quoted by his right hon. friend. He had been at a loss to conceive how George 2nd could be complimented for what he did *not* do, in the same manner as George 3rd for what he did. But as the hon. and learned gentleman made the statement with the book lying open

before him, he had abstained at the time from expressing any distrust of the quotation. He had since examined the preamble adverted to by the hon. and learned gentleman, and had not been able to discover in it a single word of the language employed in the preamble of the 1st of George 3rd, with reference to the commutation of the hereditary revenues. The reason was obvious: neither George 2nd nor George 1st, nor any predecessor of his present majesty, stood in the same situation. If George 3rd was, indeed, to be considered as a pensioner on the public bounty, it ought to be remembered that he had obtained his pension by giving up a valuable consideration to the public. George 2nd retained his hereditary revenues; in addition to which, the annual sum of 120,000*l.* was set apart with an unilateral agreement, that if the revenues and the grant together fell short of a certain sum, the deficiency should be made good by parliament. George 3rd, on the contrary, gave up his hereditary revenues; which, if he had enjoyed them up to the present period, would have placed his majesty in a much better pecuniary situation than that in which he actually stood. A more peculiar delicacy ought, therefore, in his opinion, to be observed with regard to his majesty's property, not only than to that of any former sovereign, but, he had almost said, of any private individual, since his majesty's consideration for the public interest had induced him to act with so generous a liberality towards his people. All, however, that he (Mr. C.) desired was, that the same security should be afforded to his majesty's private property as was given by the laws to the private property of the meanest of his subjects; and that the first monarch of his race who had reposed an unlimited trust in his people's justice, should not be also the first whose property was to be invaded by a rude and unsparing hand in the hour of sickness, age, and helplessness. It was nothing to him to be told that his majesty was insensible, and could not know it—that he was blind and could not see it—that he was deaf, and could not hear it. He (Mr. Canning) should not be able, from such considerations, to derive any consolation for any wrong done to his sovereign. He could not lose the memory of what his king had been, in the contemplation of what he was. He could not forget that the greater part of that period during which the House of Brunswick had governed these realms—a period which had been emphatically termed the reign of constitutional liberty—had been passed under his majesty's happy rule. He could not forget how materially the unstained character, the faultless example of his majesty, during a storm of near thirty years duration, which threatened the stability of his throne and the independence of his kingdom, had contributed to save the country both from external and internal danger. In his present secluded and melancholy condition,

"————— all nature left a blank,
"And knowledge at one entrance quite shut out,"

a ruin, it was true, but a venerable ruin; the infirmities of the king were any thing but an argument against his rights. "Scathed by Heaven's lightning," but consecrated as much as blasted by the blow, he yet exhibited to the awe and veneration of mankind, a mighty monument of strength and majesty in decay. He stood like the oak of the poet, stripped of that luxuriant foliage, and spreading those denuded arms, which had afforded shelter to successive generations,

"et trunco non frondibus efficit umbram."

—Let not the House, then, listen to the suggestions of trenching upon the property of such a sovereign—guaranteed to him as it was by justice and by law, and protected by every compact and by every sentiment that link the frame of society together.

Mr. *Scarlett* said, he rose merely for the purpose of setting himself right with regard to a misapprehension, as to what had fallen from him in the former debate. What he had then stated was, that many expressions similar, if not *verbatim* the same, to those of the preamble to the 1st of Geo. 3rd. were to be found in the preamble to the 1st of Geo. 2nd. [No, no! from the Ministerial side.] He was obliged to those gentlemen who did him the honour thus to assist his recollection, and he would therefore read the latter preamble. No doubt it contained none of those effusions of loyalty which were produced by his majesty's surrender of his hereditary revenues, and on which the right hon. gentleman (Mr. Peel) had descanted with so much animation, but which did not occupy above two or three lines in a very long preamble. If, however, the right hon. gentleman was desirous of finding similar demonstrations of ardent and affectionate loyalty, he would

‡

refer him to an act passed in the time of Henry 8th, in which the parliament, in eloquent and glowing language, enabled the king to devise away the whole kingdom by will.

Mr. *Brougham* assured the House that he would keep a promise which was often made, especially at so late an hour, but which was not always fulfilled. He should occupy very little of their time, while he stated the reasons that induced him to oppose this resolution. Indeed, he should not have given these reasons at all, but for the speech of the right hon. gentleman who had sat down a little while ago, and the pains which he had taken to divert the House from the question before them, and to lead their attention off to any other subject but the particular one on which they were to decide. He had charged his hon. and learned friend—and this was not the first time the charge had been brought against him that night—with answering speeches that had been delivered on former occasions. But he now charged the right hon. gentleman with being himself an example of a defect which he reproved in others. The right hon. gentleman had not only replied to a speech made on a former night, but had advanced additional arguments on a subject already discussed. His hon. and learned friend certainly had alluded to the former discussion; but in arguing on the present resolution, he had confined himself strictly to the subject of the resolution, whether the grant should be made or not; and had not entered on the consideration, whether it should be paid out of the privy purse, or out of any other fund. The right hon. gentleman had not even attempted to answer any part of that argumentative speech. He had also entirely mistaken the grounds on which his right hon. friend opposed the resolution. His right hon. friend had distinctly said, that though he himself would not quarrel with the measure, so long as the public did not pay the 10,000*l.*, so long as that grant to the duke of York was paid out of the privy purse, or out of the duchy of Lancaster; yet there might be others who would not agree to the measure even on these conditions, and on a future night he might take their objections. The right hon. gentleman said, that this side of the House could not be pleased; that they objected equally to the minute and disgusting details of domestic expenses, and to an estimate of the whole without any details. Their complaint was, that ministers never came manfully forward, but sought shelter under committees, and made use of them to degrade the members of the royal family, whom it was their duty to protect and dignify. The right hon. gentleman had misrepresented a little what had happened in the committee. "What great reduction," said the right hon. gentleman, had been made in the committee? Two equerries at a salary of 600*l.* had been struck off! The right hon. gentleman had kept to himself the fact, that my lord Morton, and my lord Harcourt had been struck off the establishment, together with several similar offices, making in all a reduction of from 7 to 8,000*l.* on the amount proposed by ministers. He had understood the right hon. gentleman to say that 10,000*l.* were already appropriated and settled by act of parliament on the office of *custos*, and that the death of the queen did not make any difference, as the grant must be continued while the office was continued. The act of 1812 had been referred to as the authority for this construction, and he should therefore read part of it. [The hon. and learned gentleman then read part of the act.] He contended that the sum was granted to that individual while *custos*, and must revert to the public at her demise. It then became the property of the public, and it would require a new act to take it from the public. The resolution proposed that a certain sum should be allowed the duke of York to meet the expenses of the office of *custos;* but whence arose that increased expense, and how could he be exposed to any at all near that sum? As long as government was willing that the expense, great or small, should be paid from any other fund than the public purse, the House of Commons said, take it. But the House said, that government must not call on the public to pay this expense, for then delicacy would cease, because it was better to be indelicate even to the royal family, if necessary, than to be guilty of a breach of trust to the public. Was this sum to be given for necessary expense? On that he would go to the House and to the country, and on that the House must go to the country. He would ask the member for St. Mawes, who talked so gallantly of his constituents, how the expense could amount to one-tenth of that sum. But, said the right

hon. gentleman, though the expense did not amount to 10,000*l.* a year, there was the high dignity of the person, and the high dignity of the office, to be considered. He implored the House to consider the fallacy of this argument. It was customary to pay a salary somewhat proportionate to the rank of the person; but the resolution stopped that construction of the grant; for it said that the sum was to meet the expenses. In order to support this argument of the right hon. gentleman the resolution must be altered, and the rank of the duke must be introduced. The history which had been given of the whole affair seemed to carry with it the air of a thing got up. The right hon. gentleman had said, that a bill was first introduced without providing any salary, that the duke might take the office without pay. Then it was brought down to the House of Commons, and there all was to be managed without the duke of York knowing any thing of it. If this history meant any thing, it meant that the duke was to be kept ignorant of the whole, and that the delicate task was to be assigned to him without his having any reason to expect a salary. But what followed? The noble lord came down with a message on the subject from the duke, and threatened the House with infamy, if they did not allow his Royal Highness 10,000*l.* a year out of the pockets of the public. He thought it would have been better if the noble lord had not tried to extort money by that threat. Being aware, then, that there was no expense proportionate to the amount of this grant; that there was no responsibility attending the office; that there was no great labour attached to the duties of it; and reflecting, that the duke of York stood in so near a relation to his majesty, he saw no reason, either from the speech of the right hon. gentleman, or from any thing he had heard from others, to alter the opinion which he had formed on hearing the irresistible speech of his right hon. friend.

The question being put, That "10,000*l.*" stand part of the resolution, the House divided: Ayes, 247; Noes, 137. Majority, 110. The resolution was then agreed to.

List of the Minority.

Anson, hon. G.
Aubrey, sir J.
Blandford, marquis
Baring, sir T.
Barham, J. F.
Barnett, James
Bankes, Hen.
Benyon, Ben.
Birch, Joseph
Bennet, hon. H. G.
Braddyll, Thos.
Bernal, Ralph
Brand, hon. T.
Brougham, Henry
Browne, Dom.
Byng, G.
Belgrave, lord
Churchill, lord C. S.
Campbell, hon. J.
Calvert, Charles
Calcraft, John
Carew, R. S.
Carter, John
Coffin, sir J.
Coke, T. W.
Colclough, C.
Concannon, L.
Clifford, capt.
Crompton, Samuel
Curwen, J. C.
Davies, T. H.
Denman, Thomas
Denison, Wm.
Dickinson, Wm.
Douglas, hon. F. S.
Dundas, hon. L.
Dundas, G.
Dundas, Thos.
Dundas, Charles
DeCrespigny, sir W.
Evans, William
Edwards, John
Ellice, Edward
Euston, earl of
Fane, John
Fazakerly, N.
Foley, Thos.
Fitzgerald, lord W.
Finlay, K.
Gordon, Robert
Graham, J. R. G.
Graham, Sandford
Grenfell, Pascoe
Gurney, R. H.
Guise, sir W.
Griffith, J. W.
Gaskell, Benj.
Harcourt, John
Hill, lord A.
Harvey, D. W.
Heygate, alderman
Honywood, W. P.
Hurst, R.
Hutchinson, hon. C.
Lamb, hon. W.
Lambton, J. G.
Lemon, sir W.
Lloyd, J. M.
Longman, G.
Lyttelton, hon. W. H.
Marryat, J.
Macdonald, James
Macleod, Roderick
Maitland, J. B.
Martin, John
Methuen, Paul
Milbank, Mark
Monck, sir C.
Morpeth, lord
Moore, Peter
Newman, R. W.
Newport, sir J.
Nugent, lord
Neville, hon. R.
North, Dudley
Ord, Wm.
O'Callaghan James
Pares, Thos.
Palmer, C. F.
Parnell, sir H.
Peirse, H.
Piggott, sir A.
Power, Richard
Phillips, C. M.
Philips, George
Philips, Geo. jun.
Price, Robert
Pryse, P.
Ramsden, J. C.
Rancliffe lord
Rickford, J.
Ridley, sir M. W.
Robarts, W. T.
Robarts, A.
Russell, lord W.
Russell, lord G. W.
Russell, lord John
Russell, R. G.
Rumbold, C. E.
Sinclair, George
Scarlett, James
Sebright, sir John
Sefton, earl of
Smith, Wm.
Smith, S.
Smith, hon. R.
Smith, James
Spencer, lord R.
Stewart, Wm.
Symonds, T. P.
Tavistock, marq. of
Taylor, C. W.
Taylor, M. A.
Tierney, rt. hon. G.
Thorp, alderman
Tremayne, J. H.
Waithman, alderman
Walpole, hon. gen.
Webb, Ed.
Wellesley, W. P. T. L.
Western, C. C.
Whitbread, Wm.
Wilson, sir Robert
Williams, W.
Wharton, John
Wood, alderman
Wynn, C. W.
Wilkins, W.

TELLERS.

Althorp, lord
Ebrington, lord

HOUSE OF COMMONS.

Friday, February 26.

Agricultural Petitions.] Mr. *Dickinson* said, he held in his hand two petitions signed by several respectable occupiers of land in the county of Somerset, praying for the imposition of duties on foreign produce. He was one of those who thought the present discussion of any measure of this sort inexpedient. At the same time he concurred with the petitioners in thinking that the soil of the country was capable of growing sufficient corn for the support of its inhabitants, and that we might become, as we had once been, an exporting instead of an importing people. He thought, too, that it would be sound policy not to depend on other nations for sustenance. In the present circumstances, however, he was sure that the petitioners would not wish to oppose the current of opinion in that House.

Mr. *Birch* observed, that intimately connected as he was with a large manufacturing district, he could not hear in silence the many references made to this subject. He knew not how to give credit to the assertion, that the soil of the country was adequate to the support of the population. His belief was, that the population had considerably overrun the native produce. If this were not the case, it would be difficult to account for the immense importations of foreign corn which had taken place. Without such a supply, he would ask the House to consider what must have been the price of corn. He trusted that no mischievous result would be produced by these petitions; but if there should, it must be ascribed to those who caused the agitation of the subject.

Ordered to lie on the table.

Coal Duties.] Sir C. Morgan presented a petition from Monmouthshire against any change in the coal duties.

Mr. *Newman* observed, that nothing could be more unjust than the present system, and he hoped ministers would see the subject in the same light.

Sir *C. Morgan* said, that the proposition which had been made on the subject of the coal duties, if carried into effect, would cause the greatest distress in those districts in which coals were indispensable to manufactures.

Mr. *Edwards* perfectly agreed with the hon. baronet: to tax coals at the mine would be an incalculable injury to the iron works; and when the magnitude of those works was considered, the importance of the question would be evident. There was not a man who wore hob nails in his shoes who would not suffer by such an imposition. Being perfectly convinced of the inpolicy of any change, he did hope that parliament would leave the law respecting the duties on coals untouched.

Sir *Isaac Coffin* observed, that the poor in the counties which would be most materially affected by any change in the duties on coals were already in such a state that they could scarcely buy shoes to their feet or salt to their porridge. The fat eaters of venison in the metropolis ought to be ashamed of themselves for wishing to benefit by a farther pressure on those who were already enduring so much.

Mr. *E. J. Littleton* knew no question that had created a greater ferment through the country, than that of making an alteration in the existing duties upon coals. No time should be lost by ministers in deciding on the subject, as an additional hour of delay only served to heighten that alarm which had been already suffered to have gone too far.

Mr. *Bennet* said, he would give every opposition to the meditated equalization of the duties upon coal. The people of Shropshire and Staffordshire were particularly anxious on the subject, a people than whom there did not exist any more grateful or more loyal in the kingdom.

Mr. *Calcraft* remarked, that those who supported the equalization of the duties, had no wish that those who worked at the coal mines should be unemployed; on the contrary, they thought that the adoption of the proposed measure would increase the consumption of the article in question. He had no doubt that the people of Shropshire and Staffordshire were adverse to any change, for they were possessed of peculiar advantages at present, and like all persons so situated regarded with jealousy the approach of any thing in the shape of alteration. For his part, he was against any monopoly of benefit, and would therefore support a proposition for a more equal distribution of the duties on coals.

Mr. *S. Wortley* said, he would give his determined opposition to any proposition for a change in the present duties, conceiving that the complaints made against

them were utterly unfounded and unjust.

Mr. *Protheroe* observed, that this was evidently a case in which parties were contending for their separate interests, and it was for the House to decide between them. It had an anomalous appearance, that one half of the country should be exempt from a tax to which the other was subject. The inhabitants of Staffordshire had no reason for discontent or alarm in their present circumstances; since the iron-trade was now flourishing there with unprecedented success. He should oppose any tax whatever on coals, being satisfied that this was one of those impolitic measures which defeated its own end, and that the impulse which its repeal would give to manufactures would more than compensate a temporary reduction of the revenue.

Mr. *Holme Sumner* was not surprised that gentlemen who represented those counties in which coal duties were inoperative should object to any alteration in the nature of them. The sum of 1,020,000*l.* was annually raised by the duties on coals. Of that sum the counties of Middlesex and Surrey paid 680,000*l.*; four other counties paid 340,000*l.*; and the rest of the kingdom was altogether exempt. When it was recollected how heavily this tax, on an article so necessary to common domestic purposes, must bear on the lower orders, the expediency of taking its more general diffusion into consideration must be acknowledged. Whatever might be said on the other side of the question, he was determined that this important subject should be brought forward. It was most unjust that two or three millions of those persons in the kingdom, who were the least able to support it, should have the present exclusive burden pressing on them. It sometimes happened, especially in spring, that adverse winds prevented any arrivals in the pool. To rich men who had their cellars full of coals this was immaterial, but to the poor the difference of price, occasioned by such a circumstance, combined with the duties, was most oppressive. He was convinced that a greater revenue would be derived by a duty of six-pence or a shilling a chaldron, equally diffused over the kingdom, than by a partial tax on any district. In the present state of the finances of the country, it was not to be expected that the chancellor of the exchequer could abandon the tax altogether, but he trusted that the right hon. gentleman would consent to such a modification as would render it less partial. He should feel himself guilty of a dereliction of his duty, if the members for the city of London were appalled by the opposition to the proposed measure, were he not himself, on an early day, to bring it under the consideration of the House.

Lord *Granville Somerset* remonstrated against any alteration in the duties.

Mr. *N. Calvert* contended that the existing tax was partial and unjust.

Lord *Castlereagh* observed, that the present was scarcely a fair opportunity for discussing the subject.

Mr. *Littleton* admitted the truth of the noble lord's remark, but added, that whenever the hon. member for Surrey should bring forward the motion of which he had given notice, he would give it his most decided opposition.

Ordered to lie on the table.

Penryn Election.] Mr. Atkins Wright informed the House, that the select committee appointed to try the merits of the petition complaining of an undue return for the borough of Penryn, had determined, "That Henry Swann, esq. is not duly elected a burgess to serve in this present parliament for the borough of Penryn:—That John Lavicount Anderdon, esq. is not duly elected a burgess to serve in this present parliament for the said borough:—That the petition of the said John Lavicount Anderdon, esq. did not appear to the committee to be frivolous or vexatious:—That the opposition of the said Henry Swann, esq., to the said petition, did not appear to the said committee to be frivolous or vexatious." The hon. member added, that he was directed to inform the House, that the House had come to the following Resolutions:—1. "That it appears to this committee, that Henry Swann, esq., was guilty of bribery at the last election for the borough of Penryn, and is thereby incapacitated to serve in parliament at such election. 2. That it appears, by evidence before this committee, that John Goodeve, Henry Durnsford, and Abraham Winn, were guilty of corrupt practices to influence the last election for the borough of Penryn. 3. That it appears, by evidence before this committee, that Henry Carter, Thomas Rosman, John Gill, Francis Major, James Cock, Charles Luckie Skinner, William Trathan, and William Lapshire, received bribes to induce them to give their votes

at the last election for the borough of Penryn."—The hon. member then moved, "That Mr. Speaker do issue his warrant to the clerk of the Crown, to make out a new writ for the electing of a burgess to serve in this present parliament for the borough of Penryn, in the room of Henry Swann, esq., whose election has been determined to be void."

Sir *C. Burrell* regretted that he felt it his duty to oppose the motion for issuing a writ for an election for this borough; but it appeared to him that the case was one which required that the minutes of the evidence, and proceedings of the committee, ought to be laid before the House. He understood that lists had been given in on each side, containing each the names of above one hundred individuals who had been guilty of bribery. It also appeared by the report, that three persons, employed as agents at the last election, had been guilty of corrupt practices. On the whole, therefore, he thought it impossible for the House to form a just opinion on this case, until it was in possession of the minutes of the committee, and that this should be done before the new writ was issued, or any other proceeding adopted. He concluded by moving an amendment, by leaving out from the word "do," to the end of the question, in order to add the words, "not issue his warrant to the clerk of the Crown, to make out a new writ for the electing of a burgess to serve in this present parliament for the borough of Penryn, until the House shall have proceeded to take the said report into further consideration," instead thereof.

Mr. *Holford* said, it was not usual to suspend the issue of a new writ, unless on very evident grounds for doing so. The report did not convey such a general accusation of corruption on the part of the electors as should, in his opinion, induce the House to adopt the measure suggested.

Mr. *C. Harvey* said, that the lists of voters guilty of bribery had been issued by each party, with the view of disqualifying any further votes on behalf of either party.

Mr. *Carew* said, that the bribery had been so notorious that notices were issued by each party, stating that votes given to the other would be thrown away. It also appeared that the three agents who had been found guilty of corrupt practices were contractors for the borough. Under these circumstances, he thought the House should pause before the writ was issued.

A Member of the Committee, whose name we could not learn, said that a strong feeling existed in the minority of the committee, that there was in the transaction sufficient ground for disfranchising the borough, but they had bowed to the greater experience of other gentlemen. In his opinion, the House could not adopt a wiser or a better measure, than when the great mass of the electors of any borough was found to be corrupt, to disfranchise it. Nothing would be better calculated to tranquillize the intemperate agitation that existed on the subject of parliamentary reform. For himself, he was a moderate reformer, and he most strongly recommended, that when the electors of any borough were proved to have sold that birthright and privilege by which this country was so happily distinguished from the nations of the continent, they should be deprived of it; and that it should be transferred to any of those great towns, such as Leeds, Birmingham, Sheffield, or Manchester, at present unrepresented. Such a proceeding would do great good; and would put an end to the complaints of those misguided persons out of doors, who said that the House looked with indifference on corruption [Hear, hear!].

Sir *J. Newport* thought that, although the House in the first instance very properly delegated their right of inquiry into the conduct of an election to a committee, yet that when that committee reported that the sitting member was disqualified on the ground of bribery, and that other persons were implicated both as the agents, and as the objects of that bribery, a *primâ facie* case was made out for laying on the table the minutes of the evidence on which such report was presented. He perfectly agreed with the hon. gentlemen who had just sat down, that the House should effect a reform in all cases in which general corruption was manifest. He was sure the House would consult the public interest and their own character by looking narrowly into such cases; and thereby showing the people, that while they opposed those wild schemes, which tended to revolution, they were anxious to preserve the representation in a pure and constitutional state. The House had on former occasions, exercised the power which he had described, and he hoped

they would persevere in exercising it whenever the occasion called upon them to do so.

Mr. *Atkins Wright* observed, that the number of electors in the borough of Penryn amounted to between two and three hundred, while the cases of corruption and bribery adverted to in the report of the committee, were but eleven in number, only eight of which were the cases of voters. He believed it had never been the custom of the House to disfranchise any place in which the existence of general corruption had not been proved.

Lord *Castlereagh* concurred in the wish to do every thing for the purpose of preserving the purity of the representation. In order, however, that he might be enabled to form a judgment on the particular case before the House, he wished to be informed by the Chair, if it was usual to take such a step as that proposed, of delaying the issuing of the writ, when no special report of general corruption had been made by a committee? If it was usual for the House to regulate its proceedings by the report of the committee, he did not conceive that the report just presented would justify such a step. If, on the other hand, the House had taken up cases in which no special report had been made by the committee, it was now in the situation of having been told by a member of the committee, that there was matter on the minutes which, if produced, might induce the House to take some ulterior proceeding. It was desirable, therefore, that the House should know what had been the practice, as no duty of the House was more important than to take care that the number of its members should always be as complete as possible.

The *Speaker*, in answer to the appeal to his opinion made by the noble lord, whether it was usual to delay the issuing of the writ, except on a case stated in the report of the committee, said certainly not, But that did not get rid of the difficulty. A special report had been made, and it was for the House to estimate its importance and weight. If it was considered to involve, the disfranchisement of the whole borough, by a statement of general corruption, the House was in the habit of proceeding, in such cases, in the manner suggested by the hon. mover of the amendment. If on the contrary, it was clear that no part of the report referred to the borough at large, but only to individuals, he was not prepared to say that, in such circumstances, the House had ever adopted the course suggested. But he spoke on this subject merely from recollection, and could wish to have an opportunity of further inquiry. The line he took to be this:—It being the first object of the House, as had been justly observed by the noble lord, to complete the number of representatives, it would not adopt a measure calculated to delay the attainment of that object, without sufficient reason, founded on the special report of a committee. Such had been the case with respect to Helston. There might be other cases of a different description, but they did not occur to him.

Lord *Castlereagh* thought that, after what had fallen from the Chair, it would be desirable to postpone the debate that there might be time to consider the subject. He therefore moved, that the debate be adjourned till Monday.

Mr. *Wynn* instanced several cases, among which were those of Shoreham, Aylesbury, Stockport, &c., in which the House had proceeded to throw open the boroughs in question, but said he believed that, in all those cases, the step had been taken on the motion of the chairman of the committee, made at the desire of the committee, and founded on the statement that bribery in the place in question existed to such an extent as to call for the interference of the House. At the same time, he would not say that a similar step might not be taken at the suggestion of an individual member of the committee. He approved of the suggestion of the noble lord to adjourn the debate, in order to give an opportunity for inquiring into the subject. On a subject which involved the greatest stretch of power which the House possessed, the utmost jealousy should be shown; and no place entitled to have a representative in parliament should be permitted for a single moment to remain unrepresented. At the same time he perfectly agreed with an hon. gentleman, that the most useful species of reform was the exercise of that great power, in the disfranchisement of such boroughs as evinced general corruption. Whenever such a proceeding had been resorted to, it had produced the best effects; and he trusted that the precedents of former times in that respect would be strictly adhered to.

Sir *J. Newport* said, that the lenity of the House had been extended to this bo-

‡

rough some few years since; upon that occasion, a certain number of persons had been charged with corrupt practices, but instead of the indulgence exercised producing a good effect, this same borough, and probably the same persons, were accused of a similar proceeding.

Mr. *Peter Moore* said, he had been given to understand, that in this case the bribery on both sides had been so general, that neither of the candidates durst propose the administration of the bribery oath; for if either of them had proposed it, he would have been hunted out of the place. He would refer to any member of the committee, whether that was not the fact? In such a case, the House was bound to send for the minutes, for the purpose of inquiring further into the business. He had, more than once, witnessed the good effects resulting from depriving boroughs of their franchise on account of bribery, and transferring it to the adjoining hundreds, so as to put the bribery on a larger scale. Though the special report of the committee in this case was not so full as it might have been, and as it ought to have been, yet he thought, in that special report, there were sufficient grounds for warranting the suspension of the writ.

Mr. *Holford* wished to observe, that he believed no member of the committee was of opinion, that there was any proof of bribery having been committed by the petitioner.

Mr. *C. Harvey* said, there was no charge against the petitioner. The charge was against the sitting member, who had been proved to be disqualified by the report. He would set the hon. gentleman right, as to what he had said respecting the bribery oath. There was no such thing: the charge was confined to individual bribery, and if any thing of that kind had come out, the committee would have gone into it.

The *Speaker* said, that if any hon. member entertained an opinion, that on all occasions where the committee had made a special report, the writ had been delayed, it was a mistake. The writ had never been delayed but in cases where there was supposed to be sufficient reason for disfranchising the borough.

The debate was then adjourned till Monday; and, on the motion of Mr. Wynn, the Minutes of the Proceedings of the Committee were ordered to be laid before the House.

Motion for the Discharge of Thomas Grady.] Mr. *Hutchinson* said, it was with infinite pain that he now presented himself to the notice of the House. He felt he had undertaken a difficult task: he threw himself, however, on the patience of the House, claiming from all parties and all individuals in it, their protection and assistance. He felt himself in a most difficult and painful position—not because he conceived he was advocating a bad and a wrong cause, but lest, from his want of experience and want of knowledge of the forms of the House, he might either fail to protect an injured individual, or seem deficient in respect for the independence and dignity of the Commons' House of Parliament. He should be truly sorry, if any arguments or any expressions used by him, should either injure that cause which he wished to support, or offend the House, which he wished to conciliate. The hon. member for Dover gave him notice yesterday, that he should oppose his motion, on the ground that the petition presented by his gallant friend, contained in it something disrespectful to the House. He could assure the hon. member, had he conceived that there were any words in that petition injurious or offensive to the House, he should not have presumed to appear here to move for the liberation of the petitioner. But he begged leave to remind the House, that the decision, the propriety of which he questioned, was come to on Wednesday night last, in a thin House, consisting of not more than fifty members, and when several members were not, perhaps, aware of the nature of that decision. He did not presume to question the privileges of the Commons' House of Parliament—he respected them, because they were of the most inestimable value to the people, protecting and dignifying as they did, the representatives of that people—they were not, therefore, so much their privileges as the privileges of the people. He was the last man who should be disposed to rise up in his seat, and insinuate any thing tending to bring those privileges into disrespect. But he thought the House had, in this case, misconceived those privileges—that they had acted in error. He should be sorry to be supposed anxious to promote the success of the accusation against the hon. member for the county of Limerick, or to be actuated by a wish to prejudge or prejudice that question. If in the examination on Monday se'nnight

it should be proved that there had been a conspiracy against the hon. member for Limerick, no punishment could be too severe against those who had degraded themselves by entering into such a conspiracy. But the subject of the conspiracy had nothing to do with the present question. He trusted the House would favour him with their attention for a short time, while they put the House in the possession of a very few facts. His gallant friend, who had brought the charge against the hon. member before the House in a way which commanded so much its respect, and which gave them the promise that he would be as distinguished a member of it, as he had distinguished himself in the cause of his country by a long career of the most brilliant military services, had stated, that in the petition a member of that House was charged with having attempted to dispose of an office, ministerial to the civil and criminal law of the country, with a view to promote corrupt practices, and that the petitioner brought these corrupt practices before the House, in order that the House might deal with the charges as to them might seem best. To this charge the hon. member in his place made a most triumphant reply. What did the House say? They said, that they would hear the matter of the petition on Monday se'nnight at their bar. So far, as the House would remember, there was a most able charge, and a most impressive defence. The hon. member, in his speech, had recited a letter from Mr. Grady, the father of the petitioner, on which letter Mr. Grady was committed to Newgate. In his judgment, had the letter been proved to have been written by Mr. Grady, perhaps in the then state of the proceedings they might have taken steps for securing the attendance of that gentleman; but he did not see how they could be justified in taking so strong a step as that which they had taken. What had been the conduct of that gentleman? By some contrivance, strangers sometimes heard what passed in the House. Mr. Grady happened to be in a situation, to hear what was going on in the House before they came to vote, that he should be put to the bar for having committed a high breach of the privileges of the House. Now, he would put it to the House—if Mr. Grady had, at the bar, said he had heard the proceedings of the House, but his respect for the House would not allow him to say one word on the subject of the letter; that he would not criminate himself; that they had no right to make him criminate himself; would not the first principles of the constitution have protected him? The hon. member for the county of Limerick had identified the letter: but was he no party? The hon. member had said, that there was a foul conspiracy against him; but was the member for the county of Limerick an interested person or not? Suppose, in the inquiry of Monday se'nnight, instead of a conspiracy, as it was now called, and by some supposed, this case should be fully proved; in what a state would the veracity of the member for the county of Limerick stand? On what did the House believe him?—On his own able and impressive defence. Those who voted on this subject, did not know the vote they were giving. The member for the county of Limerick ought not to have identified himself with this business. He knew that many members regretted exceedingly the vote they came to that night. But he stood on this ground—supposing the letter of Mr. Grady to be one of the most objectionable which was ever written — there was no evidence but that of Mr. Quin that he wrote it, and that evidence was objectionable—there was no address to the letter. The hon. member for the county of Limerick had declared that he threw the cover on the table, and he assured the House that it was Mr. Grady's hand-writing. But he would not question this—he would take it up on high ground, and he would say that they ought not to have committed him on account of the letter. He begged leave to allude also to another circumstance which had occasioned a considerable titter in the House, the declaration of Mr. Grady that he could not see by night. It was the conviction of many, that in all this Mr. Grady was acting a part. But he could produce at the bar the most respectable witnesses in England, Ireland, and France, who would prove that Mr. Grady for years had not been able to see a single letter at night—that he was perfectly blind then. Mr. Grady was so blind, that if he were to walk out without a guide, he exposed himself to be run over by carriages. He was sure that all this was thought at the time to be a mere trick. Now, though he was a reading man, and was indeed a distinguished literary man, it was certain that he could neither write nor read at night; and even in the day-time he would run

against a carriage without a guide. But to return to the subject: admitting that this letter was most offensive, he was desirous of stating broadly that there was no evidence brought forward to prove that Mr. Grady was the author of that letter. He had now a more difficult and painful task to perform, a subject in which he would have to encounter the prejudices, if not the sound judgment, of many members of the House. Supposing that that letter was written in a state of irritation subsequent to the giving away of the office of clerk of the peace for the county of Limerick, though the hon. member for the county of Limerick had stated, and very impressively stated, after reading it —"Where was then the regret for the purity and privileges of parliament? If I was guilty, why did I not give him the office?"—and he was loudly cheered. How so? Supposing even this correspondence to have taken place, and the dates to be correctly given, he did not see how it supported the hon. member. It was true that he had the power of giving the office, but he had already given it away during pleasure. But the charge against him stated, that on the 22nd of September he had given notice to Mr. Grady that the office had been given away by him that day. Now, the letter of the 19th of October was written after the matter had been decided by him. On this supposition the noble lord (Castlereagh) was not correct in supposing that it was in the power of the member for the county of Limerick to give Mr. T. W. Grady the office, excepting in the view that as it was given during pleasure, he might dispossess the other person. He now held the letter of Mr. Grady in his hand, and he insisted that it was not a breach of privilege—that it did not contain a single line, or single expression, which could be construed into a breach of privilege.

Mr. *Wynn* rose to order. He said it was a little too much, after a resolution was entered on the Journals of the House, that this letter was a breach of privilege, for any member to come down on a subsequent day, and say that it was not—particularly having himself been present, and not having offered any arguments against that resolution.

Mr. *Hutchinson* said, he had left the House with many respectable members, who viewed the matter in the same light with himself, before the resolution was come to. When Mr. Grady was ordered to be committed to Newgate, he had moved that the proceedings might be printed, in order to call the attention of the House to them. He certainly did not wish to injure himself in the opinion of a gentleman of so much experience respecting the proceedings of the House as the hon. gentleman.

Mr. *Wynn* did not object to reading the letter, or to stating any thing in favour of the petitioner. But he objected to the broad statement, that the letter was not a breach of privilege, the House having decided that it was.

Mr. *Hutchinson* apprehended, if the House on more deliberation should think their decision was hastily formed, it would not be contrary to the dignity of parliament to re-consider their former decision. He should read the letter to the House [here the hon. gentleman read Mr. Grady's letter of the 19th October]. He had read that letter over and over again, and had consulted with several members, and they all agreed with him that it was not a breach of privilege. He could not presume to quarrel with the decision of the House, but he must say that, not having voted on this question, he must have more light on this letter before he considered it a breach of privilege. He did not know to what extent breach of privilege might be carried, but he conceived it was the wisdom of parliament to be slow to exercise that right, except on solemn occasions. The letter had been called by an hon. member, libellous; but if, on Monday se'nnight, the case against the member for Limerick should be proved, where was the libel? Mr. Grady had only lately recovered from a rheumatic fever, and he was in his sixtieth year; and some relief, if possible, ought to be granted him. He certainly did not mean to say that every kindness had not been shown: he had been much indebted to the kindness of a worthy alderman, member for the city, who had procured for him all the comforts he could expect in his situation. The hon. member for Dover had said, will you release a prisoner on Friday who was only committed on Wednesday? Certainly not, he would say, if this prisoner had committed a grave breach of privilege; but if, on a review of the case, he could find none committed by him, he thought he could not be too soon relieved. He had not seen Mr. Grady himself. He did communicate to him his intention, and to that communication he had received

no answer; and therefore he hoped that nothing unfavourable to Mr. Grady might result from what had fallen from him: he had brought the case forward on his own suggestion, in the discharge of what he conceived to be his duty. The hon. member for Dover had stated, that the first part of the petition did not appear to him to fall short of stating, or insinuating, that he was wrongfully confined. Now, he would maintain there was not a line in the petition reflecting on the feeling of the House. When Mr. Grady was called to the bar he would assure the House, that he had no intention whatever of offending the House in what he had written. Was it in the eyes of the House a grave offence, that the petitioner humbly stated that he was an innocent man? God forbid that that should be deemed an offence in their eyes! He asked from gentlemen of more experience than himself, advice and assistance in this business: it was not a question of party politics—it was an appeal to the feelings of the House. The hon. member concluded with moving, "That Thomas Grady, now a prisoner in his majesty's gaol of Newgate, be brought to the bar of this House forthwith, in order to his being discharged."

Sir *Robert Wilson*, in rising to second the motion of his hon. friend, wished to say a few words on the subject of it. He was instructed to state on the part of the petitioner, that his liberation was absolutely necessary to superintend the proceedings which were ordered by the House, and which were now fixing the attention of the whole kingdom. He did believe, on his honour, after the statement which had been made to him, that the liberation of Mr. Grady was necessary for the conducting of the proceedings. The House would be the more disposed to give credit to this, when they reflected that his son was only twenty-three years of age, and that he was very inexperienced. He was sure that the House would never subject itself to the suspicion of having impeded the charge of the petitioner. A suspicion like this would neither redound to the honour of the House, nor to the honour of the hon. member (Mr. W. Quin), whose speech on a former night was so much in unison with his duty. All parties in the House were called on to act as judges here.—Let it be recollected that the parties in this particular case were respectable—that their honour, character, their all depended on the issue of this investigation. Let it not then be said, that if they failed to substantiate their charge, they were prevented by the measures of that House. Let it not be said, that they were deterred by this first exercise of power in the person of the individual who was necessary to afford them assistance. If the parties failed, let them fail from their inability to substantiate their cause, and then the punishment which the House might inflict would appear just. It had been stated by the member for Dover, that the petition of the prisoner was worded in a way which wounded the dignity of the House. He was sure it was not his intention to offend the House. He threw himself entirely on the clemency of the House. Since he had come into the House he had reason to know that Mr. Grady had written a most submissive letter, with the view of softening the indignation of the House, but he had sent it by the only channel through which it could not be presented. It was unfortunate that the forms of the House prevented that individual from taking those measures which would have been in unison with his private feelings.

Mr. *Courtenay* was not conscious of entertaining the least hostility towards the petitioner. He was ready to admit, that if, on a more deliberate review of their proceedings, they appeared of doubtful propriety, it would not be inconsistent with their dignity to retrace their steps. If he were conscious of having acted improperly in his vote on Wednesday, he should not be ashamed to confess his error; but, on deliberate consideration, he thought the course adopted by the House was correct, and that the petitioner's case was not one which impugned the justice of the House. The House had decided, that the writing and sending the letter was a high breach of privilege. The manner in which the privileges of the House had been infringed had been stated by an hon. and learned friend of his (Mr. Brougham) in a manner which had brought conviction home to the mind of every one who had heard him; and it was only under the idea that some members were present who had not heard that statement, that he should venture to repeat the grounds of the resolution of the House. The breach of privilege did not arise from the circumstance that the hon. W. Quin was a member of parliament—it did not arise from a personal injury done to him—it did not arise from the circumstances of

the petition, since Thomas Grady, the father, was not a petitioner against the hon. member, nor a witness on the petition. The breach of privilege consisted in this—that the letter contained a direct threat of using the authority of parliament to extort the grant of a lucrative office from the *custos rotulorum* of the county of Limerick. He spoke under correction; but he imagined that, even in the case of an ordinary court of justice, if its process had been used for the purpose of extorting money, that court would consider such a proceeding as a contempt—that is one of that species of offences which every court had the power of correcting by summary process. The House of Commons necessarily had the power of punishing every offence which tended to bring its proceedings into discredit. The next point was, whether there was sufficient testimony of the sending of that letter. He confessed he could not put the testimony of the hon. member for Limerick so entirely out of the question as the hon. mover had done. If the letter was not written by Thomas Grady, the father, it was a most atrocious forgery. Was the House prepared to believe this? But as a point which would throw light upon the question, who was the author of that letter, he would ask the hon. member who presented the petition, by whom was the list of witnesses which had been given into the table written?

Sir *R. Wilson* said, that he had received that list from the petitioner, Mr. Grady the elder.

Mr. *Courtenay* said, that he had compared that document with the letter in question, and it was manifestly in the same hand-writing. He would indeed appeal to the hon. mover, whether he could have the slightest doubt that the letter was written by Mr. Grady. On the justice of the House the petitioner had therefore no claim. He had now to remark on the appeal which had been made to their mercy. It was, however, to be remarked, that the petitioner did not put his case on that ground. The allegation of the petitioner was, that the House had not decided on sufficient evidence. Now, though he had no wish to make petitioners, whether innocent or no, abjectly prostrate themselves before the House, yet it was rather too much that his liberation should be claimed as an act of mercy, when the justice of the decision was questioned. It was said, that the case of the petitioner against the hon. W. Quin, could not be tried without the assistance of the present petitioner. How did this appear? The case against the hon. W. Quin stood as an alleged interview between him and Mr. Carew Smith, while Mr. Grady the father was at Boulogne, and on a minute of what passed during that interview. The case, indeed, mainly turned on the question, whether that minute received the sanction of Mr. W. Quin; and on this, Mr. Grady the father could throw no light. But when the House was told that the petitioner against the member for Limerick, was a young, inexperienced man of 23 years of age, and that therefore the assistance of his father, Mr. Grady, senior, was necessary to enable him to make out a case, they would recollect the manner in which the petitioner had dwelt upon the importance of the office of clerk of the peace, to the administration of justice, which this petitioner, who was described as incompetent to conduct his cause, had filled for fifteen years! If the fair investigation of the charge against the member for Limerick could be shown to depend on the liberation of the petitioner, he would consent to his liberation; but till that was shown, the House would not do justice to itself if it agreed to the motion.

Mr. *Bootle Wilbraham* said, that nothing which he had heard that evening had had the smallest effect in altering his sentiments on this case. All Mr. Grady sat forth in his petition was, that he had been committed on insufficient testimony, that of the member for Limerick; and that there was no proof of the letter having been intended for him, inasmuch as the superscription was lost, and his name was not mentioned in it. These declarations impugned the decision of the House, and were not calculated to excite their mercy. That the letter was meant for Mr. Quin was clear, since in one part of it, the petitioner said—"I offer you advice; I advise you to restore my son to his office, of which you have deprived him." This could only refer to the hon. member for Limerick, who had displaced the petitioner's son. Convinced that the petitioner had both written and sent the letter in question, he would oppose the motion.

Mr. *N. Calvert* had read the printed papers containing the evidence of Mr. Grady, and he felt called upon to say,

that the answers of that person were most unbecoming the station he had filled of a barrister and a gentleman. He should therefore vote against the motion.

Mr. *Bennet* observed, that he should not have offered himself to the notice of the House, if he had not been anxious to do his utmost to bring it back to the line of duty and discretion. He was persuaded that there were not two lawyers to be found in the kingdom who would give it as their opinion that Mr. Grady had been guilty of any offence. It was of no consequence to this question whether the allegations in the second letter were true or untrue; that on which the commitment had been grounded, spoke of the supposed misconduct of a member of parliament; it was put merely hypothetically, and no man with the right use of his understanding could construe that into a breach of privilege. Supposing the facts stated to be well founded, all honest men would join heartily in the opinions which the writer had expressed. A member who had so misconducted himself, would merit the severest censure the House could inflict; but on the contrary, if it were proved that a foul conspiracy subsisted, the chastisement of parliament was equally due to the authors of it. The real and only question was, whether the letter produced by Mr. Wyndham Quin was or was not a threat. He begged to state most distinctly, that in his judgment the letter of the 19th of October was not meant as a threat. The fair construction of it was no more than this—"I have known you for fifteen years, and our intimacy has gradually increased; you have removed my son from an office he has long held, for political reasons;—retrace the steps you have so unadvisedly taken—recollect that you are about to commit a high political offence—replace my son, and I, in consideration of our friendship and your incautiousness, will do—what for no other human being in similar circumstances I would do—I will drop this matter:—my object is not revenge, but justice, and I will not expose that profligacy which I am confident you yourself will repent." Such was the natural interpretation candid minds would put upon the letter, and even the hon. member had so considered it in his reply: this was upon the supposition that no offer had, in the first instance, come from Mr. A. Quin. A great deal had been said about the sacred privileges of the House: perhaps he did not look upon them as quite so sacred or important as many gentlemen; they were, however, no doubt, of considerable value, though now and then employed for bad purposes, and sometimes put into odious exercise: they were, however, intrusted to the House, not as a scourge, but as a protection to the people. In order to be better prepared on this subject, he had visited Mr. Grady in Newgate, and was happy to state, that his situation was as comfortable as circumstances would admit; at first his condition had been much worse. With regard to his nearsightedness, he could bear testimony, that the fact was as Mr. Grady had represented it, and that there was no foundation for the severe remarks that had originated in the actual defect of his vision. When Mr. Grady read, he was obliged to put the paper so near to his eye, that there appeared no space between the eye-lash and the paper. Since he had risen, the letter to which the gallant general had alluded, had been put into his hand; it was addressed to the highest authority in the House, but unfortunately, as had been observed, to the only individual who could not communicate its contents. He begged leave to read it, as it showed that Mr. Grady had been actuated by no improper or unbecoming feelings at the time he wrote the petition, which had been objected to as disrespectful. The hon. gentleman then read a letter addressed to the Speaker, in which Mr. Grady stated, that he had observed by one of the public journals, that an hon. member had given notice of an intention to oppose his discharge, on the ground that the language of his petition was disrespectful: he begged to observe, that any defects or inaccuracies were quite unintentional, without the remotest design of questioning the right of the House, or the justice of its order: the petition had been drawn up at a time when his mind, from fatigue, was not in a state to perform its ordinary functions; he had at that time undergone fourteen hours dreary confinement without repose. He assured the Speaker, that it had never been his intention to infringe the privileges of the House—privileges which he was well aware, were the bulwarks and safeguards of the British constitution. The letter then represented that the writer's son, a young man totally inexperienced, was called upon within the course of nine days, under heavy

penal consequences, to bring forward and establish his cause, and that he had nobody about him capable of giving him advice or assistance in a situation of no ordinary difficulty. The letter was received with many cheers, and Mr. Bennet sat down, after observing that he was strongly persuaded, that had the decision of the House been delayed for only twenty-four hours, it would not have thought it proper to send Mr. Grady to confinement.

Mr. *Bankes* thought it was impossible for the House not to have acted as it had done. How the two hon. members, who had moved and seconded the motion, could doubt that the letter constituted a breach of privilege, was to him astonishing. He believed one of them had been in the House when the first resolution had passed *nem. con.* That was before it had been attempted to fix the writing and sending on Mr. Grady. The hon. member might surely have that night formed a a correct opinion on the nature of a letter which had been read no less than three times. But, besides the writing and sending of the letter, it was his opinion that any court of justice would have committed an individual to prison for giving testimony in the manner Mr. Grady had done. Much was said on the hardship of compelling an individual to criminate himself; but he appealed to every gentleman present, whether on any charge against the editor of a newspaper, or any other person, it was not the uniform course to summon the individual accused to the bar, and ask him, was he or was he not the person who did so and so? With regard to the opinion expressed by the last speaker, that the first letter to the member for Limerick contained no threat, all he should say was, that, knowing the excellent understanding possessed by that hon. gentleman, had any one told him beforehand that he would arrive at such a conclusion, he could not have credited it, and he should leave that part of the case to common sense and common reason. As to another part of the same gentleman's observations that no two lawyers in England would have considered the letter enclosed to the member for Limerick to constitute a libel, it was to be recollected that a member of the House, a lawyer of no common authority (Mr. Brougham), had already pronounced it to be libellous, and had with great particularity described the manner in which it was so. It was not the practice of the House, to discharge any individual whom they had committed for breach of privilege, without an humble apology, and an expression of contrition: even their own members had been compelled to follow the same course. He knew many instances of inconsiderate applications of that nature, which had always failed; and the doctrine he was enforcing, he had heard laid down by the late Speaker from the chair. That Mr. Grady was the writer of the letters, was as plain as any fact ever made out to the satisfaction of his understanding, and he should put it to the candour of the members who made and seconded the motion, whether either of them could have any doubt of it. But Mr. Grady himself, by quoting a letter from the member for Limerick, in his petition of the day before, clearly acknowledged a correspondence had been carrying on for some time between them, and thus contradicted his own evidence at the bar, because he had there denied having written any letters to that member. The letter referred to, of the 2nd of November, was indeed a very proper one, to show the temper in which the member for Limerick wrote at that period; but containing the expressions—"you say I have given you mortal offence;" and again—"some long and rather angry letters have passed between us;" and it also incontestably established the fact of the petitioner writing and sending letters. Besides, the hand-writing of the petition corresponded with that of the letters, so that there could be no doubt but the writing was brought home to Mr. Grady. Much stress had been laid on the alleged disadvantage under which the son would labour in not having the assistance of his father in conducting what was called "his cause;" but was the present a cause like that between two private individuals, to be managed by advocates? No; it would be carried on by the House, availing itself of the persons summoned as witnesses; of whom it ought to be recollected Mr. Grady, the father, was not one. It had been well observed, that the present case had nothing to do with the charge against the member for Limerick. It was curious that a young man of the age of 23, so long in the discharge of the duties of an office of acknowledged importance and responsibility, should now be found so incompetent. The House were therefore to put all that ground of liberation out of consideration. At the

same time, he had no objection to the House paying every reasonable attention to another petition of a proper description, nor to their deciding on the case with mercy as well as justice.

Sir *R. Wilson* observed, that though Mr. Grady, jun. had nominally held the office of clerk of the peace for fifteen years, he had discharged the duties of it by deputy.

Mr. Alderman *Wood* thought that there were great shades of distinction in breaches of privilege; some were of a very offensive kind, and some comparatively venial. All the members present knew that breaches of privilege were committed every day; if they doubted it, they had only to turn their eyes to the gallery, and they would see individuals in the act of committing breaches of privilege; many of those in the habit of speaking would be very sorry, too, if such breaches of privileges were put an end to. As to the conduct of Mr. Grady at the bar, he was not aware that Mr. Grady had then committed any offence, though he had told him in Newgate that the fair manly way would have been to have admitted the letter at once. The worthy alderman then appealed to the member for Limerick, whether, if the prisoner were not released, a wrong impression might not be made on the public mind? It would do no injury to his cause to consent to his release, and would prevent all idle clamour. That the accommodation in Newgate had been much improved could not be denied; but then it was still Newgate; and if any hon. member were sent thither, whatever might be his accommodation, he would certainly wish for a speedy release. The prisoner was a barrister, aged, and the adviser of his son, who could not proceed without him. Under all these circumstances, the worthy alderman implored the House to consent to his release, as the prisoner had already been sufficiently punished.

Mr. *Martin*, of Galway, declared, that from his knowledge of the petitioner, he was fully disposed to render him any service in his power; and with that view he thought, that the best thing he could do would be to recommend the hon. gentleman to withdraw the present petition, and, availing himself of the temper of the House, to suggest to the petitioner the propriety of drawing up another petition, more agreeable to that temper, as well as more appropriate to his unfortunate situation. Such a petition would, he had no doubt, have the effect of procuring the release of Mr. Grady.

Mr. *Peter Moore* said, he was one of those who had voted for the commitment of Mr. Grady, but he done so without being fully aware of all the circumstances of the case. He now appealed from his vote when ill-informed, to his vote when well informed upon the matter; for if he had understood as much from hearing the letters read, as he had from seeing them in print, he should not have come to the conclusion which he had upon a former evening. He did not conceive that the case against Mr. Grady, on the question of intentional breach of privilege, was at all made out; and he believed that the hon. member for Limerick himself had not thought that any breach of privilege existed, until it was mentioned in the House. Mr. Moore then contended, that the case of Mr. Grady was in no one sense of so aggravated a nature as that of Mr. Fuller, the member for Sussex, who, after having been guilty of very outrageous conduct, in the course of which he had been with difficulty prevented from committing a violent assault upon the Speaker was, nevertheless, only put into custody of the serjeant-at-arms, up-stairs, and was discharged the next day, on a note of apology from him being read.

Mr. *Masterton Ure* said:—I think the dignity and consistency of the House materially interested in the decision of this question. On a former night the petitioner was, after an examination at your bar, declared guilty of a high breach of privilege, and in consequence sent to his majesty's gaol of Newgate. The House adopted this measure unanimously, on such evidence as to them appeared proper. The petitioner now arraigns the judgment of the House, and the evidence on which it was founded. We cannot therefore comply with the prayer of this petition, without implying a censure on our own decision. And after the satisfactory manner in which the letters alluded to have been proved, I think the House is bound to refuse the petitioner's liberation. When he comes before the House and states his contrition for the offence, it will then be the proper time to extend the clemency of the House to him.

Mr. *Lambton* said, that considering all the circumstances of the case, he would take the liberty of suggesting to the hon.

mover the propriety of withdrawing the present petition, in order that he might communicate with the unfortunate gentleman from whom it proceeded, upon the expediency of drawing up another petition, in the style and spirit of an apology, for what was considered a breach of the privileges of the House. He had not opposed the vote of a former evening, because he did not wish to put his opinion in competition, with those which had been given on that occasion: at the same time, he did not think that a breach of privilege was not proved; but the question now before the House was, whether the individual was already sufficiently punished.

Mr. Alderman *Waithman* expressed his disinclination to accede to the suggestion of the hon. member on the floor. He would ask, how the House would feel in this case, if the charge advanced by the petitioner's son should turn out to be well founded? It appeared, from what had been stated, that an improper contract had actually been proposed by the hon. member for Limerick, and all the petitioner's letter conveyed was, in his mind, the mere expression of a determination to lay that proposition before the House. This being the case, he could not consider the petitioner's letter to amount to a breach of the privileges of the House, and therefore he should certainly vote for the motion.

Mr. *Hutchinson* thought that he should not act consistently, if he were to withstand the wish expressed for withdrawing the motion. What he had in view on this occasion was, to assert a great constitutional principle, and also to vindicate the liberty of the subject. According to the principle to which he alluded, no one was called upon to criminate himself; and it was to be recollected, that without the answers of the petitioner himself at the bar, there was actually no evidence against him, but that of the hon. member for Limerick, who was himself a party accused. He had, in the course of the evening, received a letter from the prisoner, in which he disavowed any intention to violate the privileges of the House. Still, in proposing to withdraw the motion, he wished it to be understood, that he could make no pledge as to the nature of the petition which the unfortunate prisoner would deem it proper to draw up in lieu of the one already presented.

The motion was then withdrawn.

‡

HOUSE OF COMMONS.

Monday, March 1.

Petition from London against the Trial by Battle Bill.] A Petition from the Common Council of London was presented setting forth,

"That the mode of proceeding by appeal in criminal causes is one of the oldest parts of the common law of this kingdom, and hath been pronounced by those eminent lawyers chief justice Holt and lord Ashburton, to be a most noble birthright of Englishmen, and a great pillar of the constitution; that, as appears to the petitioners, the right of appeal in case of murder hath become of vital importance to the security of the people, as a check on the abuse of military power; and that a legislative abolition of this right would leave it at the discretion of the government to prevent in any case the cause of judicial inquiry, as well as to dispense with the execution of the law; that the continuance of the mode of trial by wager of battle hath tended to prejudice the subject in his possession of this ancient right, and to frustrate and pervert the ends of justice; that the freemen of the city of London, and of divers other the cities and towns of the kingdom, are exempted by their charters from all obligation to trial by battle; and therefore, as wager of battle is not essential to process by appeal, the petitioners respectfully submit, that no argument against its continuance can be founded on the impolicy or injustice of such a form of trial; and the petitioners therefore humbly pray, That the House will take the premises into their serious consideration, and that in any act for removing the trial by wager of battle, the House will not take away from the people of this realm their ancient and undoubted right of appeal in criminal causes."

Ordered to lie on the table.

Limerick City Election.] Sir *T. Baring* brought up the report of the select committee on the petition of T. Spring Rice, esq. complaining of the election for the city of Limerick. It stated, that the sitting member, the hon. John Prendergast Vereker, appeared to have been duly elected; but that the petition was not frivolous or vexatious.

Mr. *N. Calvert* thought it right, as a member of the committee, to draw the attention of the House to the circumstances

under which the decision contained in the report had been come to. The agent of the petitioner produced the poll-book before the committee. They called for a poll clerk, in order to verify certain votes. He had no reason to suppose that this objection would be made; but in consequence of it, applied for leave to send over for the poll clerk, who was living in Dublin. The committee would not grant permission, and so the petitioner's cause was lost. The determination was, in his opinion, harsh and severe: in consequence of it, no gentleman from Ireland was to look for justice henceforward, without bringing forward every individual poll clerk at the election, the expense of which would be enormous, since the poll clerks, not being persons in a very high state of life, dispersed themselves in different ways on the conclusion of an election. If the precedent were to be followed, no gentleman from Ireland would petition in future; and it would become the interest of every candidate, *per fas aut nefas*, to secure the returning officer in his favour, as the election would ultimately depend upon his discretion. He should at present, however, content himself with moving, That the Minutes of the Committee be laid before the House.

Sir *T. Baring* said, the votes had not been proved by the best evidence the case would admit of. Neither the poll clerk nor sheriff had been brought before the committee. The only evidence the person who had the poll book could give was, that he had received it in a sealed parcel from the town clerk of Limerick, but of its contents he knew nothing. He would allow, however, that the case was a very hard one on the Irish members, and he should willingly go a great length in allowing them to authenticate votes in another manner. If the poll clerk of every barony was obliged to attend, it might be necessary to bring over eighteen or twenty of them.

Mr. *S. Bourne* asked, whether the poll book had been produced by the person to whose custody it had been intrusted?

Mr. *Wynn* was hostile to discussing in the House a point decided on by a committee, but he thought the correctness of their decision questionable, and quoted two precedents that seemed to impeach it.

Mr. *Abercromby* was aware that there was great inconvenience in discussing such a question before the House. All must think, that a case of greater hardship than the present had never occurred. He had inquired into the particulars of this case, because a similar one, in which he had been a member of the committee, had been, he understood, relied on as a precedent for the present decision. If that was so, it was impossible there could be a greater perversion, for the former case was totally inapplicable to the present. He thought that there never was a decision more unjust, or more contrary both to reason and precedent, than the present.

The motion was agreed to.

PENRYN ELECTION.] The order of the day being read, for renewing the adjourned debate on the amendment proposed to be made to the question, "That Mr. Speaker do issue his warrant to the clerk of the Crown, to make out a new writ for the electing of a burgess to serve in this present parliament for the borough of Penryn, in the room of Henry Swann, esq. whose election has been determined to be void,"

The *Speaker* said, that before the House proceeded to the adjourned debate, it might be convenient to them to know in what state of forwardness the minutes of evidence were which had been ordered to be printed. From their length he did not think they would be in the hands of members before Thursday. The House would therefore see what time might elapse before members were put in possession of the information which might be necessary on the subject. With respect to the question of suspending the issuing of writs upon special reports, he had before expressed what had occurred to him at the moment. Since then he had looked into all the cases since the year 1770, and from these it appeared, that in all cases where reports were made, charging bribery and corruption upon a number of electors, the issuing of the writ was suspended until the House had before them the minutes of evidence taken before the committee. In the case of Ilchester, indeed, the report charged some individuals with bribery, but did not call for any general resolution. In that case the House ordered the new writ, and directed the attorney-general to prosecute the offenders for bribery.

Sir *C. Burrell* was of opinion that it would be more convenient if the House did not proceed with the consideration of the question until the minutes of evidence

were before them. He was the more anxious for this, as he had heard, that the evidence of one witness was objected to before the committee; and so nicely balanced were the votes, that it was only rejected by the casting vote of the chairman. In order to show the spirit which prevailed in this borough, he would beg to have the report of a committee which had sat in 1807, to examine the allegations of a petition against the return which had then been made for it.

The clerk then read the report of the committee. It was dated Feb. 4th, 1807, and stated, that sir C. Hawkins, the sitting member, was unduly elected, and that Henry Swann, esq. was one of the sitting members, and that John Trevanion, esq. ought to have been returned as the other member. The committee also passed a resolution that sir C. Hawkins had been guilty of bribery, and that several electors of the borough had been proved to have accepted bribes.

Sir *C. Burrell* said, that after what the House had heard of the base and mercenary spirit which prevailed in that borough, they would see the necessity of not proceeding with the discussion until they should have the minutes of evidence fully before them. He would therefore move, that the debate be further adjourned till Monday.

Mr. *Masterton Ure* said, there were few subjects coming under the consideration of parliament, of greater importance than those connected with the rights of electors, and the privileges of the House; and he felt desirous that on the present occasion they should so conduct the proceedings as to show to the people of England that if there were many persons who thought the elective franchise should be more extended, and others of a contrary opinion, that they would take care that those who had the elective franchise should exercise it, fairly, freely, and constitutionally. And here it was important to observe, that by acceding to the hon. baronet's motion, the House would enable those who had proved themselves so unworthy of being electors to repeat those acts of corruption so disgraceful to themselves and injurious to the public; while by postponing the writ it would be liable to the charge of depriving the *bona fide* electors of Penryn of their due share in the representation of the empire: for it should be observed, that those electors who, by the resolution of the committee, were found to have been bribed, would, notwithstanding that resolution, be entitled to vote, till they were convicted in a court of law, or disqualified by act of parliament. He might here allude to precedents, from which it would appear that there was no case where the House had delayed to issue a writ to supply a vacancy, unless the report of the committee was of a more general nature, and implied more flagrant acts of corruption. In most of these cases the chairman of the committee moved the House to postpone issuing the writ; whereas in the present case he moved that it should be issued. Finding, however, on the Journals of the House, that corruption had existed in this borough on a former occasion, and similar disgraceful practices appearing on the present occasion, he would accede to the hon. baronet's present motion.

Mr. *A. Wright* said, that seven or eight persons had been proved to have received bribes in this borough. This was the extent of the bribery proved. As to the notion that a hundred voters had been bribed, it was entirely without foundation in the evidence.

Sir *J. Newport* approved of the adjournment. He understood, that in addition to bribery, it was proved that neither one party nor the other had tendered the bribery oath to any voter. He understood also, that a paper had been offered to the committee, which though not accepted, as it could not be brought home to either party, tainted the character of the whole borough. It was no great punishment, after the second time of the borough being brought before the House for bribery, that its franchises should be put in suspension for a time.

Mr. *A. Wright* said, there was no proof before the committee, that the bribery oath had, or that it had not, been administered.

Sir *J. Newport* said, that the omission of any notice of the bribery oath in the poll book decisively proved the negative.

Mr. *C. Harvey* agreed in the propriety of waiting for the minutes of evidence, and observed, that when they were laid before the House, it would be found that some of the assertions would not be borne out by the evidence.

Mr. *Bankes* acceded to the motion for delay, on the ground that this borough had been brought before the House at two not very distant periods.

Mr. *Denison* thought there was sufficient evidence to show the system of gross bribery which had been practised in this virtuous borough. One fact alone would prove it: the electors were assembled at a public breakfast, and each of them received 24*l.* for his vote. With these circumstances before them, he trusted the House would adjourn the debate till Monday.

The debate was then further adjourned till Monday.

PETITION OF THOMAS GRADY.] Mr. *Hutchinson*, in rising to present a petition from this gentleman, observed, that it would not be necessary for him to go over the same ground which he had gone on a former occasion when this question was before the House. He was the less inclined to this, because he understood it to be the general feeling of the House that there would be no opposition to his release. His wish was to conciliate all parties, and not to offer any thing which might prejudice the cause of the gentleman whose petition he was about to present. The petitioner expressed his sincere sorrow at having in any manner offended the House. At the same time he solemnly declared, that he never had any such intention. He, therefore, prayed that he might be released from custody.

The petition was then brought up, and read by the clerk. It was in substance such as Mr. Hutchinson had described it.

Sir *Robert Wilson* hoped the House would consider the age of the petitioner and his ill state of health, and also that some days had elapsed since he had been committed to prison.

The petition was ordered to lie on the table. After which, Mr. Hutchinson moved, that Mr. Thomas Grady be forthwith brought to the bar, for the purpose of being discharged.

Mr. *Bootle Wilbraham* did not intend to oppose the motion, but he would suggest, that the old usage of the House should not be departed from in the present instance. It was the practice on occasions similar to this to move, that the person in custody be brought up, not forthwith, but on the following day. Besides, if Mr. Grady were to be brought to the bar in the course of the present evening, it would probably interrupt the debate which was about to commence. He therefore suggested, that instead of the word "forthwith," in the motion, the word "to-morrow" should be inserted.

Mr. *Hutchinson* had no objection to alter his motion as the hon. member had suggested.

Mr. *Bankes* said, that unless it were meant that the petitioner was to to be reprimanded upon his appearance at the bar, he should feel it his duty to make a special motion on the subject.

The *Speaker* conceived that the order for the prisoner's appearance at the bar, previous to his release, necessarily implied a reprimand.

Mr. *Wynn* said, that to prevent any doubt upon the object for which the prisoner was to be brought up, it might be better to let the word "reprimanded" be inserted.

This was done accordingly, and the motion was agreed to.

MOTION FOR A SELECT COMMITTEE ON THE STATE OF GAOLS AND OTHER PRISONS.] Lord *Castlereagh* said, that in rising to call the attention of the House to the important subject to which his notice referred, he should endeavour to state shortly the objects to which he proposed that the committee, for the appointment of which it was his intention to move, should direct its inquiry.—At the outset he felt it necessary to advert to the motion of which an hon. and learned gentleman had given notice for to-morrow evening, because that motion was closely and intimately connected with the purposes comprehended in the motion with which he meant to conclude. The object, indeed, of the hon. and learned gentleman, was directly and immediately involved in the inquiry for which he (lord C.) proposed to move; and he apprehended that if the tenor of his notice upon this subject had been distinctly understood, the hon. and learned gentleman would have felt, that the motion of which he had given notice was unnecessary. But he doubted whether the notice given for him by his right hon. friend at an early period of the session, was clearly comprehended; for that notice did not refer merely to the state of gaols, but to the best mode of providing for the reformation, custody and punishment of offenders. It was not, he believed, so understood by the hon. and learned gentleman, or he would have naturally conceived that the object of his notice would embrace the state of crime and the character of our criminal laws, not incidentally or indirectly, as the hon. and learned gentleman and others ap-

peared to think, but directly and immediately. That such was the purpose of his motion, that he did not mean to confine the proposed inquiry to the state of gaols merely, but to extend it to the criminal code, with all its direct and collateral consequences, was, indeed, he thought necessarily to be inferred from the observations which he had the honour of submitting to the House, upon the discussion of the motion brought forward by an hon. gentleman with respect to transportation and the hulks. But looking to what he said upon that occasion, combined with the notice which had been submitted to the House, he was surprised to find any doubt existing that it was his intention to make his motion upon this interesting question, as broad and comprehensive as possible. He apprehended, indeed, that there was no solid difference between the object of the hon. and learned gentleman, and that which he had in view, and that it was equally the wish of both to bring the proposed inquiry to a satisfactory conclusion. But there would be a material difference between them, if, as some appeared to imagine, he (lord C.) intended to limit the inquiry to the mere state of gaols; for if that were his object —if he proposed only to inquire into the construction of prisons, or into the discipline or classification of prisoners, a committee of that House would not, in his view, be the fittest place for the conduct of such an inquiry. On the contrary, thinking such an inquiry to be of a ministerial and official character, he should rather think it right to move an address to the Crown, for the appointment of a special commission, to investigate the construction of the several prisons, and the system upon which they were conducted. But his view was of a more comprehensive nature; it was, to consider the state of prisons with reference to the state of crime, and the operation of punishment with regard to the several classes of criminals, in order to ascertain how far the existing system of punishment served to control the commission, or promote the diminution of crime. It would, indeed, be a melancholy task to look alone at the state of our gaols, without considering how far their conduct or construction served to effect a reduction of crime, instead of seeking to ascertain merely whether those gaols should be multiplied or enlarged. It was impossible, in his judgment, for a committee of that House to look at the state of gaols, without looking also at the state of crime, which must necessarily involve a consideration of the character of the penal code. The only difference, then, which he could figure to himself to exist between the course of inquiry which he proposed to pursue and that of which the hon. and learned gentleman had given notice was this, that the hon. and learned gentleman would direct the investigation to the character of the law, without considering its full effect and operation, while he would extend the investigation so as to ascertain whether the prejudice raised against the penal code was well-founded, and if so, what practical remedy could be devised. With this view, it was obviously essential to consider the effect of secondary punishments, in order to ascertain what substitute should be established for any part of the penal code that was found to be decidedly objectionable, and therefore he proposed to include in his motion a consideration of the several systems of the penitentiaries, the hulks, and transportation. Without such consideration, indeed, he conceived that it would be quite impossible to decide fully and fairly upon the character of the penal code. He would put it to the hon. and learned gentleman and to the House, whether great inconvenience was not but too likely to result from any decision upon the system of the penal law, without first duly considering the effect of the secondary punishments. For himself, he felt that he could not too strongly deprecate the idea that parliament should pronounce any sentence of condemnation upon the criminal law of the country, without duly and deliberately considering what remedy should be applied. To send forth the judges, indeed, to administer a system of law against which parliament had decided, would lead to many and obvious disadvantages. He was therefore adverse to any premature complaint or partial inquiries, and anxious that the whole case should be gone into at once, that case comprehending the system of the gaols, of transportation and the hulks, as well as the character of the criminal law. Such inquiry ought, indeed, for various reasons, to precede any decision upon the penal code, upon which it behoved parliament not to cast an imputation, until a remedy were devised for any existing evil. To do otherwise would be prematurely to pronounce a general sentence of degradation on the laws of the

country: people out of doors would hastily conclude, that the whole system was unnecessarily harsh, and a false expectation would be raised of impracticable lenity. With regard to the argument of the hon. gentleman on the second bench (Mr. Bennet), for whose capacity and diligence, in considering subjects of this nature, he entertained the highest possible respect, he could indeed assure that hon. gentleman, that he would be quite ready to bow to his opinion upon any point connected with a question of this nature, if that opinion were not opposed to his own conscientious conviction. When, therefore, that hon. gentleman proposed to make secondary punishments the subject of distinct consideration, he should not have opposed the proposition, if he were not thoroughly convinced of the inexpediency of such a course of proceeding, for the reasons which he had already stated.

He trusted that he had rendered his views intelligible to the House; and that he had justified the difference of his opinion upon this question from that of the hon. and learned gentleman, as well as from that of the hon. gentleman on the second bench, his opinion being, that parliament should not pronounce any verdict against the penal code, until it were ascertained whether any, and what remedy could be applied. Then, as to the division of labour proposed by the hon. gentleman on the second bench, and supported by others, he could not see the utility of such a division upon an inquiry of this nature; for he could not admit the expediency of appointing different committees, to collect different materials, which, after all, in order to decide correctly and comprehensively, must be brought to one centre of deliberation. That centre of deliberation, it was his object at once to constitute by the appointment of one committee. Such committee, although in the first instance he should propose that it be composed of 21 members, might consist of as many gentlemen as were thought desirable; and were he a member of that committee, he should be most happy to receive all the lights which the hon. and learned gentleman, as well as the hon. gentleman on the second bench, were so eminently capable of throwing upon the subject. With such aids, the committee would no doubt be enabled to devise the means of improving the merciful character of our laws, and promoting the salutary diminution of punishments. Through such a committee information was not at all likely to be laid before the House in a dispersed or unintelligible shape. Every thing that related to secondary punishments would be collected by such a committee, and parliament would be guarded against disturbing the public mind by the publication of partial and discordant views. What he was most anxious about was, that a broad and comprehensive report should be drawn up, upon which the House could act with propriety and safety. He did not seek for the appointment of any interminable committee, as some gentlemen profess to apprehend, but of such a one as should come to a satisfactory decision within a reasonable time, while it would guard against the danger of any denunciation, against the useful character or moral influence of our criminal law, without a full and radical inquiry how far that law might be modified and improved. The information which the hon. and learned gentleman had it in his power to communicate to such a committee, would no doubt be most desirable. But he (lord C.) would caution gentlemen, and especially those who might belong to this committee, to guard their minds against the influence of passion, for when that passion was abated by inquiry, the judgment and energy essential to form a correct decision and to devise an adequate remedy, were but too likely to lose their proper force. Those who exaggerated to themselves the nature of the ill, would probably find that they had been deceived; and the result might be, that they would sink into a state of torpid apathy and indifference; a condition of mind much more fatal to reform than even an under calculation of its necessity. Gentlemen would then do well, if in due time they took care to exclude every exaggerated representation from their minds, and to hold themselves in a proper temper finally to determine upon this very important question.

Now, as to the state of crime in the country, he admitted, that it appeared by the returns, that within the last three or four years, crime had increased to an alarming extent, almost in the proportion of two to one; and comparing the commitments of the last year with those ten years ago, in some classes of crime they were in the ratio of nearly three to one. Such a view was in some respects appalling; at all events, it would be most

alarming and discouraging, if it could not be partially accounted for by various circumstances, which led to the conclusion, that the augmentation was attributable to temporary causes. Those indeed who judged of the state of society in this country from that which existed twenty years ago, must be extremely misled. For considerable alterations had since taken place, in consequence of our increased and swoln population, especially in the larger towns and in this great city. This swell of population was particularly observable in the manufacturing districts; and where masses of people were thus brought together, it was natural to apprehend that some increase of moral corruption would be the consequence. That such an extraordinary congregation of people was one of the great causes of the increase of crime was obvious from this fact, that in the return of crimes which had been laid before the House, it appeared that more than one half of them were committed in 5 out of the 52 counties, namely, in the counties of Lancaster, Warwick, York, Middlesex, and Surrey, and those were notoriously the most populous and manufacturing districts in the kingdom. The increase of crime seemed, indeed, to grow with the increase of the manufactures in comparison with the agriculture of the country. Taking the article of cotton only, as a specimen; a few years ago the manufacture of that article for home consumption and exportation, did not exceed between 3,000,000*l.* and 4,000,000*l.*, yet, on an average of the few last years, it amounted to not less than 18,000,000*l.*, and in one instance, had exceeded that sum. Here, then, was one cause for a great increase of population in the manufacturing districts. It appeared, too, that crimes had increased in the proportion of two to one within the last four years, and here was another evidence, that the increase of crime was owing to temporary causes, for within that period there had been a great adventitious addition to the population of the country, in the disbanding of soldiers, sailors, and militia, to the amount of between 3 and 400,000 men. It was not merely that these men were thrown out of occupations which were not manual, but that they were compelled to seek a livelihood in future, either by industry, to which they were not perhaps disposed, or by other means to which their habits might invite them. Those who had long subsisted by other means, were but too likely to yield to the temptation of crime, when called upon to earn their bread by manual labour, and the exercise of industry. There were many, very many, who had derived subsistence from the war, and who, upon the conclusion of the peace, were thrown upon the population of the country to seek employment, probably in vain; for the difficulty of finding employment for some time was notorious. This had produced an additional pressure, which was not diminished by the low rate of wages, and the resort to crime might, in some instances, be compelled by a sort of shame at receiving parish relief. But in addition to this difficulty, it had pleased Providence, in the course of the period to which he referred, to afflict the country with a general calamity which led to the most severe distress, accompanied of course with an increased pressure upon the poor-rates. The country had, indeed, within the period which he mentioned, as much of social difficulty to contend with as had ever perhaps afflicted any nation, and under such circumstances an increase of crime was naturally to be apprehended. It was, however, a great consolation to think that the pressure was but temporary, and hence he concluded that the increase of crime to which he adverted, was owing to temporary causes. But as those causes ceased which had produced a dislocation of the industry of the country, as the consequences of passing from war to a state of peace disappeared, there was every reason to hope that the crimes to which such a state of things gave birth would cease also. As indeed our prospects improved, and the industry of the people found employment, there could be little doubt that a diminution of crimes would be the general consequence. This of itself afforded a fair prospect of amelioration.

While, therefore, it was fit to look the evil in the face, and not to conceal its magnitude, it was not less due to the country, that its terror should not be exaggerated, and that such consolatory views as the subject afforded should be stated to remove unnecessary alarm. In the first place, it gave him sincere pleasure to observe, that amidst the catalogue of crimes which the returns before the House exhibited, although offences against property had multiplied extensively, there was no comparative increase in those of the blacker dye, in those he meant which

were revolting to human nature; in those for which poverty afforded no excuse or temptation. In fact, a slight examination would show, that in the latter there had been no positive increase. Comparing them with former times, and making due allowances for the difference in the amount of population, and for the nature and number of the difficulties to be encountered, it would appear that offences of a higher kind of enormity were even less numerous than they had been: and this consideration was honourable to the national character, because it showed that (in spite of every calamity against which the country had to struggle) we had not to regret any aggravation of moral depravity among our people. Taking for instance the crime of murder, it was a fact that within the last year there were fewer convictions on that score than were ever known in any former year. In killing and maiming there had been no increase; the same of bigamy and manslaughter; rapes had not been more numerous last year than in the years preceding; and the number of assaults, with a criminal intent, of that kind, were still fewer. Unnatural offences and attempts had not been more frequent. Thus those crimes which marked the existence of deep moral depravity, or national degradation, or turbulent temper, had most materially diminished. The great mass of the growth of crime had been connected with the laws relating to property; forgeries, frauds, highway robberies, burglaries and larcenies, had all augmented, and had given an undue character to the whole. The largest augmentation had been found in forgeries; and whatever feeling might prevail out of doors, he trusted that the House would look at the important question calmly and dispassionately. He did not mean to cast reproach upon any hon. member, but it had been charged on the other side of the House, that the Bank of England had been guilty of supineness and indifference on this important topic; that the proper means had not been taken to prevent the accomplishment of this crime. As far as that body was concerned recent inquiries, however, had shown, that such an imputation had not been merited, and justice had now been done to the exertions of the directors; it had been shown that they had always been actuated by a sincere and earnest wish to prevent the fraudulent imitation of their notes; and if they had not been able to perform it, it was because the accomplishment was attended with so many difficulties. That the efforts lately directed to the subject would be successful, he could not even now assert, but there was reason to hope that a remedy had been discovered, and would speedily be applied. It had been often stated, that the renewal of cash payments would put an end to the augmentation, if not to the existence of this crime; but although so wide a field might not be afforded, there would still be an ample superficies upon which crime might operate: an abandonment, therefore, of the system now pursued, probably would not have the effect that some gentlemen, more sanguine than considerate, anticipated. With respect to the amount of convictions for forgery, it was observable that though more had been found guilty in the few last than in preceding years, yet the returns proved, that the executions within the last eight or ten years had been fewer than in the eight or ten years anterior; dividing the period since the suspension of cash payments in 1797 into two parts, the executions had been more frequent in the first than in the last; notwithstanding the increased issue of paper which had taken place of late years. With respect to the crimes of burglary and robbery, their comparative growth had been in no degree commensurate to that of the crime which he had already adverted to. It was also a satisfactory consideration that the aggravated character of these crimes had been gradually mitigated, and that they were not accompanied by those circumstances of violence and atrocity by which they were formerly attended. There was another fact which as far as his observations went, tended to strengthen his hope that the increase of crimes was in a great measure attributable to temporary causes; and that was that the increase of crimes committed by females was by no means commensurate with the increase of crimes committed by males. This appeared to him to show, that the increase had been principally owing to the pressure of the times, and to the difficulty with which the habits of war were exchanged for those of peace. The great, the only object of punishment was to deter; and it was therefore gratifying to find, that in regard to females, fewer executions had taken place in this country of late years than would be found in the earliest returns now before the House; so far from an in-

†

crease of their number there was a progressive diminution. It was material also to consider, that if the character of our laws had not been materially altered in the character of their enactment they had been rendered much more lenient in their execution. The number of capital punishments had of late years decreased, as compared not merely with the increase of crimes, but with the number at the period when crimes were less frequent. This was an important view of the subject, and one which ought never to be forgotten, when the British code was accused of being more sanguinary and severe than that of other countries. On examining the returns on the table for the last fourteen years, it appeared that in 1805 the number of persons who received sentence of death was 350; in the last year 1254. But with respect to executions, it appeared that in 1805 of the capital convictions there was one-fifth in which the law was allowed to take its course, while, in 1817, there was only one-eleventh, and in 1818 one-twelfth. Through the whole period of the fourteen years alluded to, the number of the capital punishments might be traced as being gradually reduced. The number of persons executed in the whole of Great Britain last year was 97. For several years past, indeed, there had not been much variance from that amount. Formerly, the number executed in London and Middlesex alone almost exceeded the number now executed in the whole kingdom. The documents on the table afforded returns on this subject as far back as the year 1749. Taking the period immediately after the American war, as being that which corresponded in circumstances most closely with the present, it would be found that in 1783 the number of persons executed in London and Middlesex was 53: in 1784, 56; in 1785, 97; in 1786, 59; in 1787, 92: and so on; while in the last year the number was only 19; and the average number of the last five years was 20. It appeared, therefore, that punishment had considerably decreased in point of severity, a circumstance which added to the impression he wished to make, namely, that although the number of crimes had greatly increased, and was an evil of considerable magnitude, with which the legislature ought to contend, yet that those crimes were not accompanied with those circumstances of horror at which human nature revolted, and were in a great measure attributable to temporary causes—to the wants of the lower orders, and to the tempting wealth of the higher; and that therefore it was an evil which might be successfully dealt with.

Adverting to what had frequently fallen from an hon. gentleman opposite, on the second bench on the subject, he expressed his doubt whether that hon. gentleman was borne out by the fact in his assertion of the great increase of crime that had been produced by the corruption of prisons. It was certainly to be lamented that any prisons should be improperly administered, and unquestionably that was a subject to which great attention ought to be paid; but he combated the hon. gentleman's proposition, because he was persuaded that the hon. gentleman and the House would fall short of their duty, if they conceived that that was the principal cause of the increase of crimes; and that if they dealt with gaols, they dealt with every thing that was necessary on the subject. Among other important objects of investigation would be the inquiry how far the secondary punishments were found to be reconcilable with the morality and improvement of prisoners. It would also be most desirable to consider how far crimes had increased—partly from the spirit of mercy in which the criminal law had of late years been administered, and still more from the cessation of that salutary terror with which transportation from this country was formerly accompanied. It would be necessary to inquire, if Botany Bay, as it had lately, and as it still existed, had not a character more colonial than belonged to a place appropriated to the punishment of offenders. It would be necessary to inquire, even in justice to that colony, whether the period had not arrived when it might be relieved from being the resort of such characters as had hitherto been sent to it, and might be permitted, without interruption to follow the general law of nature by a more rapid approximation to that state of prosperity to which it was to be hoped, every part of the world was destined to arrive. It might be to be seen, if any new arrangement could be made which should impart a more deterring character to transportation; for whatever impression the hon. gentleman might have on that subject, the general system of transportation was one in which the utmost mildness and humanity and attention to the health and morals of the convicts were exhibited. If

that, to which he had adverted, was the case—if the punishment of transportation had by circumstances lost its terrors, he put it to the House whether it was wonderful, considering all the temptations to which our population was exposed, that the number of criminals had increased?

Having thus sketched the general outline of the subject to which it was desirable the committee should direct its attention, he would abstain from entering into any argument on the general system of the criminal law. He had said enough to show that as it was the policy, so it had also been the practice to administer that law, not in justice only, but in mercy. He could not, however, help intreating the hon. and learned gentleman opposite, as he felt they had but one common object, to abstain from viewing our criminal code abstractedly—to abstain from representing it to the public as possessing a sanguinary character which did not belong to its practice—to abstain from dwelling on those severe inflictions that he might find in its theory, but which he would never find in its execution. He knew that it might be mooted whether the law ought to affix the punishment of death to an offence which in an ordinary practice was never visited with that punishment. That might be a subject of discussion. But it would be a matter of most difficult, delicate, and anxious consideration, having to deal with crimes varying greatly in their character, as accompanied by more or less violence or cruelty, how to graduate a scale of punishment so applicable to every case as to deprive mercy of that province in which it was at present exercised so much to the public advantage. If, on the other hand, the legislature were not prepared to graduate a scale of punishment which should ascend from the least to the greatest violence of guilt, how difficult would it be to say in what point of the scale they would pitch the general punishment. If too low, they would take away that inducement which tended to repress crime, and to prevent the commission of many crimes with aggravated circumstances. It was to the discretion at present existing on this subject that, in his opinion, was to be ascribed the greater humanity evinced in this country in highway robberies, as compared with those which disgraced the nations of the continent, where robbery and murder were almost invariably concomitant crimes. If the legislature were to place the general punishment at the lowest point of the scale, dealing equally with crimes of the description he alluded to, whether attended by more or less circumstances of cruelty, one great inducement to comparative humanity in the commission of those crimes would be removed. In his opinion, the consequence of attempting to graduate a scale of punishment, instead of leaving the Crown to administer the law in mercy, under the advice of the judges of the land, would be to destroy a great discouragement to the commission of cruel and complicated crimes. But that was a view of the question which would rather arise out of the report of the committee, and did not so much belong to the present early stage of the proceeding. But he could not help again addressing the hon. and learned gentleman, hoping he felt as he (lord C.) did, that there could be no separate interest on this important subject—that they had but one common purpose with reference to it—that it was one which demanded the most laborious investigation which parliament could institute;—he submitted to the hon. and learned gentleman, and to the House, to consider whether his (lord C.'s) persuasion was not well founded, namely, that the object in view could be accomplished only by taking the subject into one comprehensive view—by one committee—divided, if they would, into sections, by which the elements of the investigation might be derived from various quarters—but not broken up into separate bodies—a dissipation that would be attended with the most disappointing results. He earnestly pressed the House to adopt such a committee as that which he was about to propose—a committee, in the composition of which, he trusted, the best talents of the House would be found, and the strength of which might be increased at the pleasure of the House; and he as earnestly trusted, that they would not prefer having information on the subject poured in upon them by different committees; information which must always be partial, and which would sometimes be conflicting.

He should now make the motion of which he had given notice, and he would make it in the precise terms of the notice, because he had in that notice studiously comprehended every thing that in his opinion could give to the inquiry the most enlarged and satisfactory character. Be-

fore he sat down, however, he once more begged to deprecate any attempt on this subject to influence the passions of the multitude, by persuading them, that instead of living, as it had been represented to them by their ancestors they lived, under a mild and merciful government, they were to learn for the first time that the law of England was the most sanguinary code on earth; and that it was necessary the House of Commons should enter on some obscure investigation—should commence some unknown work—from which all criminals were suddenly to derive the greatest benefits. Such a supposition would be apt to induce the lower orders to believe, that a boon was to be held out for the commission of crime in this country—that criminals were in future to proceed with greater freedom in their depredations than they had ever hitherto done. He trusted that the hon. and learned gentleman opposite would not adopt so uncalled for, so unstatesmanlike a course—that he would not do injustice to our existing laws, until it could be proved that others more satisfactory could be substituted. The inquiry which he (lord C.) wished to institute, was one of a practical nature. It had no reference to any abstract or untried principle; and he confessed he could conceive no rational object which the hon. and learned gentleman could have in view, that might not be embraced by a committee such as that which he was about to propose. The noble lord here read the names of the committee which he intended to propose, and concluded by moving, "That a Select Committee be appointed to inquire into the State and Description of Gaols and other places of confinement, and into the best method of providing for the reformation, as well as the safe custody and punishment of offenders; and to reportthe same, with their observations thereupon, to the House."

Sir *James Mackintosh* observed, that he had intended not to say a single word on the question, but the frequent appeals to him by the noble lord rendered it a matter of courtesy that he should make a few remarks. The noble lord, in the course of his able and candid speech, had said a great deal about the motion which he supposed he (sir J. Mackintosh) would make to-morrow, and but very little on the motion which he had himself made that night. For himself, he had already declared his resolution not to open to the House his reasons for making the motion of which he had given notice for to-morrow until the time for discussing it should arrive. Unless he could then convince the House that there was ground for instituting an inquiry—a separate inquiry—into a part of the criminal law, they would deal with his motion by rejecting it. He trusted, however, that he should be able to prove, that there was ground for entering into such an inquiry, and that to render the inquiry effective it must be distinct. In order that his object might be better comprehended, he would state what would be the precise terms of his motion. They would be, "That a Select Committee be appointed to consider of so much of the criminal laws, as relates to the capital punishment of felonies." To that point it would be his endeavour to direct the attention of the House. Before he sat down he begged to assure the noble lord, that to that part of his speech which contained an admonition, or exhortation, or warning to him against attempting to influence the passions of the public on the subject, he had nothing to say but that, such admonitions were perfectly unnecessary. If he possessed any power of exciting the passions, he should certainly think it most improper to use it in the grave and calm discussion of an important legislative proposition. The weapons which argument and reason and experience might furnish, he should undoubtedly endeavour to employ, but certainly not such unlawful weapons as the noble lord had alluded to. The noble lord might be assured, that neither on that, nor on any other occasion, would he deviate into any course inconsistent with the affection and reverence for the laws of his country, which he had always entertained, an affection and a reverence which would never cease, and of which he humbly conceived that he should afford the strongest proof in bringing forward the motion which he should to-morrow submit to the consideration of the House.

Mr. *Lawson* said, the subject divided itself into three great branches—punishment, by death, by transportation, and by imprisonment. The question was, whether those three points could better be investigated by one, or by several committees? Notwithstanding the arguments of the hon. and learned gentleman opposite, he conceived those subjects were so intimately connected, that the investigation of one must necessarily embrace the investiga-

tion of all. The questions were so spliced together, there was such a *tria-juncta-in-uno* connection between them, that they could not be considered separately. They must be treated as one grand total, not as three distinct subjects: they must be looked on not as individual, but as component parts of the same body. The hon. and learned gentleman might have three separate committees, but the subject of their investigation would be the same; for each of them would have to inquire into the whole of the three subjects. Thus they would have the same labour over and over again. It appeared evident to him, that the formation of three committees would be improper; for, by adopting such a system, they would only have the same report three times over. In this instance, the division of labour would have an effect different from what it usually had; since, instead of diminishing, it would increase trouble. The hon. gentleman then proceeded to deprecate the impolitic humanity which, of late years, was so busy in revising our criminal code. Let them break off the point from the spear of justice, and see, whether in that mutilated state, it was so well capable of inspiring terror. He would venture to predict, that if the views of the hon. and learned gentleman were carried into effect, the sentence from the bench would soon be considered as a legal fiction, and like other fictions, would be null and of no effect.

Mr. *Bennet*, although he admitted that, as his hon. and learned friend had said, the remarks made by the noble lord applied rather to the discussion that was to take place to-morrow, than to the motion of that evening, begged leave to make a very few observations. There was on the table of the House a large roll of paper, which he understood was to be referred to the committee, for which the noble lord had moved. That roll consisted of documents which might be divided into two classes, the first, comprehending returns of the state of the prisons of the kingdom, and of the number of persons which they contained; the second containing all the rules and regulations belonging thereto. Now, let the House only consider what the committee would have to do. They were to inquire not only as the subject respected England, but as it respected Ireland and Scotland, into the general state of the gaols—to inquire whether there were sufficient funds to provide for the confinement of the increased number of prisoners—to look into the great question of local jurisdictions. As it regarded Scotland, that inquiry would be most difficult and complicated. Then came the whole question of regulations, with the examination of a great variety of statutes, some of which were scarcely known to the most profound lawyers. He had some little experience on this subject, and when he was assisted with all the zeal of gentlemen much more able than himself, he found it took up a whole session to inquire into the state of two or three gaols. Under such circumstances, he assured the noble lord he appeared to him to be embarking his committee on a voyage to which there was no visible termination. And yet, to all which he had enumerated, the noble lord had superadded, as by a side wind, an inquiry into the criminal law! To attempt to bring such an investigation to a conclusion would require, not a single session, but the whole existence of a septennial parliament. Was the noble lord aware that there were 758 statutes of criminal law, every one of which must come under the consideration of the committee? There was no conceivable end to such labours. As to dividing the committee into smaller bodies, four or five in one party, and four or five in another, that would be contrary to all good sense, and, he apprehended, to the practice of the House. Adverting to the observations made by the noble lord respecting Botany Bay, he said that he understood it was part of the project of government on this subject, to select the worst inhabitants of that colony, and to send them to found a new establishment; and that a person had been dispatched to New South Wales to carry that plan into effect. He hoped such was not the case.

Lord *Castlereagh*, in explanation, said, that what he had stated was, that it would be a fit subject for the committee to inquire, whether Botany Bay had not outgrown the object for which it was originally intended. The noble lord added, that government had it in contemplation to propose some place nearer home, to which convicts might be transported at a more moderate expense than at present.

Mr. *Wynn* said, he felt as strongly as the hon. gentleman that this inquiry could not be got through in any reasonable time. But he had a still stronger objection to it

on the score of justice. He objected to the appointment of a committee to whom was to be referred so very large a scope of inquiry. This objection applied with much greater force when the objects of inquiry were not specified—when no special direction was given on the subject. He thought it was one of the worst practices of modern days, to refer to the consideration of committees that which ought to be performed by the House itself. The noble lord admitted it might be expedient, that the different branches of inquiry should be going on simultaneously —that the committee should separate itself into different subdivisions, collect all the information on various heads, and bring it into one focus. He agreed in the propriety of this course, but he would have the House to appoint those different sub-committees. It was their duty. Nothing, he conceived, was attended with worse effects, than appointing committees to examine into very extensive subjects. They might propose regulations with reference to them, but they always left enough behind, to form an excuse to the House for appointing them session after session. While they continued in existence, they prevented individual members from proposing motions on the subjects they were appointed to inquire into. If a member introduced a motion touching on the subjects of their inquiry, he was immediately called to account for interfering with the labours of the committee. In his opinion, this question ought to be discussed in a committee of the whole House, since there was not a single member whose experience or observation would not enable him to form an opinion upon it. He conceived it was quite impossible for one committee, even in the course of an entire parliament, to finish the business about to be referred to that for which the noble lord had moved. He doubted very much whether the motion of which his hon. and learned friend had given notice for to-morrow, was a correct one. He thought even the subject of the laws inflicting the penalty of death, ought to be considered in a committee of the whole House; since it also was matter of opinion, on which every member had some degree of experience. This committee would be called on to inquire into the whole statutes at large. The subject was not expressly referred to them, but, from the words of the motion, they would necessarily conclude, that their inquiry was to extend that far. Many subjects, he believed, would never have been referred to a committee, if the House had been aware of their great scope and extent. He conceived they ought to mark and point out the particular matters to be inquired into. He would have a committee specially appointed to investigate one branch of a subject, and, when their labours were finished, he would have another appointed to inquire into another division of it. The power would thus be kept in their own hands; and no committee would be called on to proceed with an investigation that could not be concluded in a reasonable time.

Mr. Alderman *Wood* took the opportunity of remarking on that part of the speech of the noble lord which attributed the increase of crimes, amongst other causes, to the disbandment of such a large portion of the army and navy. From his situation, he had had the means of witnessing the effects of that change which the peace produced, and he could state, that the number of persons charged with offences who came under that description, did not exceed one in eighty. Many soldiers and sailors, chiefly the latter, were brought before the magistrates, but they were principally as paupers. The great source of crime, he was confident, arose from the congregated state of our prisons, where prisoners were thrown together without classification; and particularly where those sentenced for transportation were kept for a considerable time, corrupted themselves, and having nothing else to do, than to corrupt others. Besides, on a gaol delivery, the law, which ordered persons so released to be sent to their homes and there to be provided for, was allowed to remain inoperative.

Mr. *Fowell Buxton* thanked the noble lord for the gracious manner in which he had been pleased to view his exertions and opinions in favour of a reformation in the system of our prisons. There was, however, a little misrepresentation in the statement of the noble lord, which it was most material to have corrected. The noble lord had attributed to him, that he considered the source of crimes to spring exclusively from the state of our prisons. He had never thought so—he had never said so. All that he had seen—all that he had heard, would never have allowed him to make a statement so absurd, or to arrive at a conclusion which must be ac-

knowledged to be false. What he maintained was this, that one cause of the increase of crime, and a very great one, was the detestable, the abominable, state of our gaols at this moment. This opinion he meant not to retract. All he had seen, and all he had heard from others, convinced him of its propriety. He considered our prisons as schools and seminaries of the worst vices. It was most melancholy to watch the progress of a youth immured in one of those scenes of wretchedness and depravity, for perhaps some light offence. He was addicted, probably, to idleness. How was that cured? By continuing him in the grossest idleness! He might have a propensity to bad company. How was that remedied? By sending him amongst the worst of the human species. He might have committed some trifling act of theft. And how were his evil habits to be corrected? By placing him amongst those who would teach him to thieve with greater security and profit. It was melancholy to see how soon he caught the manner, the tone, the language, the *esprit de corps* of those who surrounded him. He longed at last to rival those whose villainy was of the deepest die. He became anxious to be reckoned amongst those who were the most bold and intrepid violators of the law. The idea of labour was soon hateful to him. He became a villain, and, what was infinitely worse, he was made so by the public institutions of his country [Hear, hear!]. He felt a conviction, that the result of a full and minute inquiry would be, to throw all the statements which he had ever made on this subject into the back ground.

The question was then put and agreed to; and a committee was accordingly appointed, consisting of the following members: lord Castlereagh, sir James Mackintosh, Mr. Canning, Mr. Fowell Buxton, Mr. Bathurst, Mr. Bennet, sir W. Scott, Mr. Brougham, Mr. Serjeant Copley, lord Binning, sir Arthur Piggott, Mr. Henry Clive, Mr. Wilberforce, Mr. Vesey Fitz-Gerald, sir John Newport, sir W. Curtis, Mr. Estcourt, Mr. Holford, Mr. Wilmot. Mr. Stuart Wortley, and Mr. Attorney General. The report respecting sentences of transportation, presented 10 July 1812; the report on prisons presented 1st May 1815; the reports on police of the metropolis, presented 1st July 1816, 2nd May, 8th July 1817, 5th June 1818; the statement of number of persons capitally convicted, presented 23rd February; and the annual returns of commitments, presented 25th February and 1st March, were ordered to be referred to the said committee.

HOUSE OF LORDS.

Tuesday, March 2.

VOTE OF THANKS TO THE MARQUIS OF HASTINGS—WAR IN INDIA.] The Earl of *Liverpool* rose, pursuant to the order of the day, to move the thanks of the House to the marquis of Hastings, governor-general of India, and the officers and troops under his command, for their conduct during the late war in India. The papers on the table had informed their lordships of the origin, progress, and termination of the hostile operations, and it would not be necessary for him to enter into the great variety of details which those documents embraced. He did not, however, think himself warranted to call for a vote of thanks, without stating what had been the general nature of the transactions which had occurred, and the result of the military operations. Their lordships would see from the correspondence, that the late hostilities in India originated in necessary measures of self-defence, adopted by the government of India against the aggressions of the Pindarries, a body consisting of about 30,000 men, subject to no regular discipline, and having, in fact, no national existence. These troops invaded the territories in the neighbourhood of the British possessions, solely for the purposes of devastation and plunder, and had continued these depredations for several preceding years; so that, instead of being hasty in repelling them, it would have been justifiable to have taken measures against them at a much earlier period. But the peace policy adopted by this country, and a strong sentiment that if hostilities once broke out in any part of India, it would be impossible to prevent them from being carried to a great extent, induced the governor-general to avoid as long as possible any thing like hostile measures. At last, in 1816, the Pindarries invaded the British territory in the presidency of Madras, burned some villages, and laid waste the country. It was now absolutely necessary to resort to measures of self-defence. The marquis of Hastings, however, received information that the measures necessary to repel the Pindarries might lead to war with certain

powers connected with them, and in particular with Scindiah and Holkar. The governor-general, particularly desirous that hostilities should not be extended beyond the limit which was absolutely necessary, proceeded to negotiate for treaties with these powers. Having intercepted some important information relative to the connexion between Scindiah and the Pindarries, he intimated to that chieftain that he knew his designs, and he even sent the letters he had intercepted to him unopened. He informed Scindiah that he did not wish to know the contents of these letters, and that he was willing to forget all that passed. In return, he only asked him to enter into a treaty by which the British government should be relieved from the stipulation by which, in a former treaty with him, it had been agreed not to contract separate engagements with the Rajahpoots. He signed a treaty of alliance containing a stipulation to this effect in November, 1817. The noble marquis adopted the same policy with respect to Ameer Khaun. He brought that chieftain to agree to the disbanding of his troops, and to give all the assistance in his power towards the chastizing of the Pindarries. Such was the state of things, as known to their lordships, in the last session of parliament, when the accounts of the commencement of hostilities were received. Whatever suspicions were entertained of Holkar, it was not then ascertained that a conspiracy against the British government had been formed by all the Mahratta powers. A treaty had actually been signed between the Peishwa and the government of India. It soon appeared that a very deep-laid conspiracy existed for striking a blow which should at once overthrow the British power in that quarter. This conspiracy first showed itself at Poonah, by the murder of the resident of the British government at that place, and insurrections in different quarters. While these transactions were taking place, the Peishwa was not aware that Holkar and Scindiah had been detached. It was on the 5th of November, the very day on which the treaty had been signed with the latter, that the insurrection at Poonah took place. In referring to the military operations, their lordships would find, that the most important action which had taken place between the troops of Holkar and sir Thomas Hislop was on the 21st of December. An attack was made by the rajah of Nagpore; but the enemy, notwithstanding his very superior force, was repulsed with great gallantry by the British troops. Both Poonah and Nagpore were soon taken possession of by the British troops. It became necessary, in order to the successful resistance of the incursion of the Pindarries, to take possession of a great part of the dominions of Holkar; and a treaty was concluded with him by which he ceded two-thirds of his territory. The Peishwa being actively pursued, finally surrendered himself, and became a prisoner of the British government. With respect to the rajah of Nagpore, notwithstanding the indulgencies which had been shown him, he had intrigued with the Peishwa; and for the complete security of the British possessions, it became necessary to depose that chieftain, and raise another to the throne. Thus the confederacy which had been formed against the British power was completely destroyed.—Having said thus much, he could have no doubt of the concurrence of their lordships in the votes of thanks he intended to move. He had shown that the war had been one of self-defence, and it was not necessary for him to endeavour to do this by remote inference or argument. The fact appeared directly from the papers on the table. The war had been undertaken on no grounds of doubtful policy. It had not for its object the extension of the British power in India; and of course, on that question, whatever difference of opinion might prevail, their lordships had not to decide. With regard to the military operations, he was confident of their lordships approbation of the manner in which they had been conducted. They were not hastily undertaken, but were the result of a well-digested plan, and the troops had acted simultaneously on every point. Their lordships had been so accustomed to military glory when the vital interests of the country were at stake, and on fields where the troops were more immediately under their eye, that deeds of arms so remote could not be expected so powerfully to engage their attention; but upon examination, they would find that no general or troops had ever more meritoriously distinguished themselves. Their lordships knew that the army in India was composed of different descriptions of troops. There were the company's troops, whose gallantry was well known to his noble friend behind him (the duke of Wellington), and the native, who had been brought to

a high degree of efficiency. It must afford great satisfaction to their lordships, to learn that the troops of this Indian army, disciplined by our officers, were brought to such a state as to be able to fight by the side of the British army, which now commanded the admiration of Europe for skill and discipline, as it always had done for courage. The noble earl concluded by moving, "That the thanks of the House be given to the marquis of Hastings, for the victories obtained by him in India, and for the arrangements which led to the conclusion of hostilities, &c."

The Marquis of *Lansdowne* felt great satisfaction in being prepared to give his full approbation to the motion, with one qualification, which he should by-and-by state, and which was founded in no objection to the general grounds upon which the noble secretary of state had called upon their lordships to concur in this vote. It was particularly gratifying to him, that in giving his support to the motion, he was not called upon to express any opinion on that system which had led to the increase of the British territorial power in India. The principles on which that extension of power had been objected to and defended, had been of great importance in the past, and would be in the future history of this country. He was glad that any question involving these principles was avoided; for were he called upon to decide on such a question. He should be desirous of more time and deliberation than could be devoted to the consideration of this motion. Whatever might be the character of the policy which had been adopted with respect to India, the governor-general had on this occasion been placed in a situation which rendered hostilities on his part unavoidable. The Pindarries so far differed from the other powers in India, that they were essentially predatory; and it was evident, that while they were allowed to continue in force, there could be no safety for the British possessions. Their lordships and the country would therefore, doubtless, join with the noble earl in applauding the measures which had been adopted by the governor-general, who had displayed the most consummate ability, on a field of operations more extensive than it had ever fallen to the lot of any one commander to direct; and who, in terminating the war, had placed the British power in India, on a more secure foundation than that on which it heretofore reposed. Having said thus much, a task of a far less pleasant nature now devolved upon him. He felt it his duty to observe, that there appeared on the face of the papers before their lordships, a transaction which could not be passed over in silence—a transaction which must be made the subject of some expression of censure, if thanks were to be generally voted to the whole army of India. The transaction to which he alluded was the execution of the Killedar of the fort of Talnier. It appeared that after a vigorous resistance made by the fort, this commander had come out and surrendered. The garrison left in the fort, however, resisted. The fort was then attacked by the British army, and taken; and the whole of the garrison was put to the sword. However much he might regret such a proceeding, he did not make it the subject of complaint. Perhaps under the circumstances of the case, it was unavoidable; but what must be their lordships' opinion of the transaction that followed. The Killedar, who had remained in the possession of the British commander, was deliberately put to death. It was impossible to leave this horrible circumstance out of view in any vote of thanks which their lordships should give. The dispatch of sir Thomas Hislop states, that whether the Killedar was accessory to the treachery of the garrison or not, he was justly punished with death on account of his rebellion in the first instance. There was no ground for concluding that this unfortunate commander had any concert with the garrison in their treachery; but according to every rule of European war, some proof of that concert ought to have been exhibited, before the right of punishing him was assumed. As to the assertion, that he was guilty of rebellion in holding out after his master had submitted and concluded a treaty of peace, that was an offence over which a British authority could have no legal cognizance. He was accountable for his rebellion to Holkar only. But how was he to know that he was in rebellion? How was he apprized of the conclusion of the treaty? He had no information of it but through the report of the British army. Would their lordships say that, upon information received from an enemy, the commander of a fortress was bound to surrender or even to discontinue hostilities, and that he was liable to the punishment of death if he refused? If, indeed, he had been a party to the

treachery of the garrison, he might have been, for that act, liable to punishment, after an inquiry before a regular military tribunal; but with the other charge of rebellion the British commander could have nothing to do. If, therefore, their lordships were to be called upon to vote unqualified thanks to sir Thomas Hislop, that vote must doubtless be withheld. It would be proper for their lordships to let it be understood, that as some doubt prevailed respecting that part of his conduct, the vote of thanks was on that ground suspended. He could not believe that their lordships would sanction any rules of warfare in India, differing from those which prevailed in Europe. The noble earl had supposed that the great glories which had been gathered on a nearer scene, might make the House less sensible of those which had occurred at a distance; but their lordships would recollect, that it was their duty to convey to the remotest quarters of the globe, over which their power extended, those principles of justice and humanity which governed them in Europe. A great part of the globe was destined to experience the effects of the principles which their lordships might apply to its government. It was their duty to promote the civilization and prosperity of the millions over whom their influence extended. To the British legislature the inhabitants of those remote regions had to look for those principles and that conduct which softened the rigours of war, and improved the advantages of peace, and which could alone render them civilized and happy. On these grounds he would move as an amendment, "That this House, in voting thanks to the army in India, does not express any opinion on the execution of the killedar of the fort of Talnier, but considers the particulars given thereon in the dispatches, not satisfactory, and requires the fullest information on that subject."

Lord *Holland* said, he would give his most cordial vote to the first resolution—a resolution in which he was not only prompted by inclination, but called upon in duty to concur. There never was a vote of parliamentary thanks to which he gave his assent, in which he felt that duty more imperative or that pleasure more sincere. He had his notions on the lawfulness of our title to our Indian empire, and on the principles on which its administration was conducted, which, whether right or wrong, he was not now called upon to express. This reserve, however, he begged to apply, not to the policy pursued by the marquis of Hastings, in his conduct of the late war, but to principles on which the administration of our eastern dominions was conducted. To the marquis of Hastings he gave his thanks and his admiration, for the able manner in which he conducted the war, and the lustre which he had shed on the British arms. On his military exploits, however, he would not descant; they were subjects with which he did not pretend to be acquainted; and in the presence of the noble duke (Wellington), if he were coxcomb enough to think of discussing them, he should cover himself with the same ridicule as the prater who talked of the art of war before Hannibal. If, however, he were allowed to give any opinion on obvious facts, he would say, that there never was a war brought to a more satisfactory and brilliant termination, in which there was a more perfect combination in the means, more foresight in providing against contingencies, more wisdom in arranging the plan of operations, more promptitude and decision in action, than the noble marquis had shown. He had a high gratification in paying this tribute to the governor-general of India, because he remembered that he was the same marquis of Hastings whom he had often heard with satisfaction in that place—who was an ornament to the House by his eloquence and his virtues—whose voice was always raised in defence of innocence and weakness, against oppression, and in maintaining the rights of the people, as well as those of the Crown. To these causes of satisfaction at the present vote he could add another. There were very few members of the House who were honoured with the noble marquis's acquaintance who had not received from him marks of personal kindness and courtesy, which endeared him to them in private life; and though such qualities could form no ground for the thanks of parliament, they added pleasure to duty, in a vote like the present. He had thus expressed his opinion on the first part of the motion, and given it his cordial approbation before the House: on the other part of it, that which related to the conduct of sir Thomas Hislop, he entirely concurred in the views and observations of his noble relative. The subject was of the greatest delicacy, and he felt it as such. He was unwilling that the gallant general should be pre-

judged, which he would be if the vote of thanks were refused; and he was still more averse to pass a general vote on his conduct, which might be construed into an approval of an act which, without further explanation, he must decidedly condemn. That act, he trusted, would admit of explanation; but of all the courses which we could pursue, that would be the most dangerous to our empire in India, and the most injurious to our character among the nations of Europe, which would seem to approve of it as it appeared in our present state of information.

The question was then put on the first resolution, and agreed to *nem. con.*

The Earl of *Liverpool*, in proposing the vote of thanks to general Hislop, begged to say a few words on the amendment suggested by the noble marquis. If that amendment could be construed into any thing like a qualification of thanks to the gallant general, for his exertions in the war, he would give it his decided negative. Taking the case as it stood, the act might admit of some explanation. In the first place, there was an act of treachery committed, by which there had taken place a great sacrifice of lives. If the killedar was a party to it, he deserved the punishment which he had received; but it did not appear in the dispatch that he was a party to it. The government was so impressed with this idea, that they had sent out instructions to institute farther inquiry into the fact. In the second place, the conduct of general Hislop was approved of by the marquis of Hastings. The noble lords opposite had said they would agree to a vote of qualified approbation; and this was probably all that could be expected without further information; but government felt great difficulty in determining how far such a thing could be done. These votes were sent out to the governor-general of India, who transmitted copies of them to the different commanders of regiments or detachments, who read them to the troops; and to qualify the thanks would thus expose the gallant general to the suspicion of the whole army. The noble lord had spoken in high terms of the great and good qualities of the governor-general and commander-in-chief, to every word of which he would subscribe. If there ever was a man of even what he might call sensitive humanity, it was the marquis of Hastings; and yet he gave unqualified approbation to the conduct of general Hislop, thus leading us to believe that the act complained of might admit of explanation. If, however, the noble marquis persisted in his amendment after this statement, he should not object to its adoption.

The Duke of *Wellington* professed his entire concurrence in the tribute of approbation bestowed upon the marquis of Hastings, for his conduct of the late war in India. There could not remain a doubt in the minds of those acquainted with the facts, but that the wisdom of the plan on which it was commenced, and the vigour of its execution, merited the highest praise. The noble duke said he was pleased, that an opportunity like the present had occurred to do justice to the services and gallantry of our troops in India, which were often neglected or disallowed. No troops in the world performed their duty better, or observed a more steady discipline. They had evinced their good qualities in all their late transactions, whether acting in great masses or small detachments. In all situations they had nobly performed their duty. With regard to the conduct of sir Thomas Hislop in executing the killedar of Talnier, he could not take the same view as the noble lords opposite. That gallant officer had acquired a high character for his services, both in India and other parts of the world; and in the late war which was now under their lordships' consideration, he had performed the chief part in the engagement which decided the ultimate success of our arms. His conduct therefore, deserved to be viewed with a partial eye, and the act for which he was blamed seemed *prima facie* to admit of justification. The gallant general had made a full report to the commander-in-chief, and received his unqualified approbation; which he was not likely to have done, had the act complained of been so reprehensible as, without explanation, it had been described. He therefore came before the House with a probable evidence of innocence in his favour. The noble duke said, that by acknowledging the merits of sir T. Hislop generally in the war, there was no approval implied of the act in question, on which the government had ordered inquiries to be made.

The Marquis of *Lansdowne* said, that to meet the view of the noble duke, he was willing to omit that part of his amendment which implied an instruction to the commander-in-chief to make further

inquiries, and would limit it to the clause stating, that in their present state of information the House meant by their vote of thanks to express no opinion on the conduct of general Hislop, regarding the execution of the killedar of Talnier.

The Duke of *Wellington* said, that his object in opposing the amendment was, to destroy the necessity which the latter part of it would impose on the commander to bring sir T. Hislop to trial. He did not object to any demand for farther information, nor did he wish to pledge the House to an approval of the act referred to without such additional information.

After a short conversation, the amendment was withdrawn for the purpose of omitting the latter part of it, and was then agreed to. The different resolutions were then read, and unanimously agreed to.

HOUSE OF COMMONS.

Tuesday, March 2.

COAL DUTIES.] Mr. *E. J. Littleton* presented a petition from the merchants and manufacturers of the town of Wolverhampton, against the Equalization of the Duty on Coals. The district to which this town belonged, contained a population of 150,000 inhabitants, who were chiefly engaged in the manufacture of hardware of a coarse description, the price of which depended in a very material degree on the price of coals. A tax of 1*s.* a ton on coals would add 13*s.* 6*d.* to the price of a ton of iron in Staffordshire. An hon. member had said, that a tax of 1*s.* per ton on coals levied at the pit's mouth all over the island, would produce a sum equal to the whole amount of duty at present raised; whereas it would require a duty of at least 2*s.* 6*d.* or 3*s.* per ton at the pit's mouth, in order to raise a duty equal to the present amount. But the result would be most prejudicial to the iron manufacturers. He wished to notice a statement made some nights ago by the hon. member for Bristol, respecting the present flourishing state of the iron manufactures. So far was this from being true, that these manufacturers were at present in a state of extreme distress. It was, indeed, true that the smelters of iron were at present in a state of considerable prosperity; but the manufacturers of smaller articles were considerably distressed. The manufacturers of nails in particular, after working 13 or 14 hours every day were not able to earn more than 9*s.* per week.

Mr. *Morgan* expressed his hostility to the equalization of the tax on coals. Those on whom the impost would fall, if an alteration took place, were, at present, scarcely able to earn their subsistence, and it would be unfair to deprive them of any advantage which their local situation afforded.

Mr. *Protheroe* said, the hon. member for Staffordshire accused him of having fallen into a mistake, when he observed, that his constituents were in a prosperous situation. It appeared, from what the hon. member had said, that great distress prevailed amongst some of them. He would tell the hon. member, that a great deal of that distress arose from the high price of coals, which was occasioned by the great quantity of that article exported from Staffordshire, owing to the coasting duty. In the manufacture of earthenware, and in other branches of trade, great injury was experienced from the existing system.

Sir *Isaac Coffin* said, that the proposition for equalizing, as it was called, the duty on coals, would be virtually to wage war against poverty and penury. If the tax were taken off in London, it would be laid on at the pit's mouth and would thus press heavily on the poor. As to the iron-masters, they would, no doubt, take good care of themselves. The hon. gentleman who supported the equalization, would not be backward in placing an additional 2*s.* per ton on his iron, in order to meet the increased expense.

Sir *R. Wilson* said, that this question ought not to be decided by feelings of prejudice, but by a just view of the necessity of the case. If the duty now levied were generally beneficial to the country, why ought it not to be borne by the country at large? Could the hon. member for Staffordshire justify the imposing a partial tax, on a particular part of the community, the produce of which was applied to the benefit of the country generally?

Sir *James Graham* said, it had been reported, that a tax was about to be laid on coals at the mouth of the pit. He could not suppose that there was any such intention on the part of the government, and he could say for himself that he never would support such a measure.

Mr. *Littleton* wished to know, if gentlemen did not intend to impose the duty

on coals at the pit's mouth, what was the meaning of the term equalization, which was to be found in all the petitions. Whether they meant to impose a duty on coals at the pit's mouth or not, he believed they would not be able to alter the present system. This he was convinced of, whether he looked to the spirit which was every where rising against the alteration, or to the impracticability of the thing itself. So far back as 1785, Mr. Pitt had made a similar plan of equalization, part of his budget; but, in a few days, he was obliged to give it up; for he found, that, if the manufacturers were exempted from the tax, as in justice they ought to be, the modifications would be so numerous as to create great confusion and inconvenience. The hon. member for Southwark inquired, whether he would recommend a partial tax? That was a question which it was not necessary for him to answer. Of this he was sure, that an alteration of the nature intended could not be made in the existing laws, without producing a most injurious revulsion in trade. He begged also to remind the hon. member for Southwark, that though his constituents paid a considerable duty on coals, they derived many advantages from their situation which individuals in the country parts of the kingdom did not possess. Almost all the workers of coals in that part of the country which he represented were lessees, and they had recently experienced considerable hardships. Two honest and upright individuals had been obliged to throw up their leases, and the landlords were compelled to keep on working the mines at a great expense. The poor-rates also were so extravagantly high in that part of the country, that the utmost difficulty was found in their collection. Had it not been for a noble peer, whose name, from motives of delicacy, he would not mention (lord Dudley and Ward), the state of the poor would have been deplorable indeed. That humane individual had sacrificed a great portion of his income, for the purpose of keeping the poor employed; and the population thus assisted exhibited an instance of order and loyalty (industry they could not exhibit, for it was not within their reach), which was scarcely to be witnessed in any other part of England.

Sir *R. Wilson* conceived it to be a great hardship, that the poor of Southwark and of London should pay 9*s.* 10*d.* duty per chaldron on their coals, while the poor in some parts of the country did not pay one farthing.

Mr. Alderman *Waithman* said, there was at present no proposition before the House for laying a tax generally on coals; but, having attended several meetings in the city, assembled for the purpose of considering the propriety of carrying into effect an equalization of the duty on coals, he wished briefly to state his sentiments on the subject. At none of those meetings did he perceive a wish or feeling to heap any burthen in the shape of a tax on their fellow subjects in the country. Those who met to consult on the subject wished to be relieved from this duty altogether. He was not himself a friend to taxation, and he felt its pressure pretty severely; but he had no desire, in getting rid of it, that other persons should bear the burthen for him. They wished to protect themselves from a very serious grievance. The citizens of London paid 9*s.* 10*d.* per chaldron on coals; added to which were the expense of freightage, the profit to the merchant, and other incidental charges, all which ultimately fell on the poor consumer, as well as on the rich one; therefore, it was that the city of London prayed for an alteration. Now, if the tax were not wholly given up, it was but fair that it should be equalized. It was not fair for gentlemen who procured coals, without any duty whatever, and manufacturers who had iron, lime, and coal, ready to their hands, to complain that they would be grievously oppressed if an equalization took place. The manufacturers in London were obliged to bear up against a variety of heavy expenses, not one of which affected the manufacturer in the country. The fact was, that in London the poor could not buy coals for their necessary consumption. Subscriptions were entered into every winter, either to purchase coals to be given away to the poor gratis, or to let them have that necessary of life at a very cheap rate. The manufacturers in the country should recollect, when they opposed an alteration in the duty on coals, that the citizens of London, who suffered so much from the existing tax, were very extensive customers for their commodities. Would those individuals who owned coal mines, and who had a monopoly of the coal trade, feel well pleased if the city of London were allowed to procure coals

elsewhere? He had been told that there were coals in the soil of Blackheath—[Hear, and a laugh]—and in various parts of Sussex. It mattered not whether the statement were true or not; but he would ask, whether the coal owners would be pleased, if their customers endeavoured to serve themselves from sources nearer home? On one small stream, the Wandle, in the vicinity of London, there was a greater extent of manufactures carried on, than on any other river of the same size in his majesty's dominions. The property employed in that district was considerably lessened in value, in consequence of the duty on coals; and, he believed, precisely the same observation would apply to all the manufactories in and near London. Now, he could see no good reason for protecting the country manufacturer, at the same time that no such encouragement was extended to him who carried on business in town.

Colonel *Wood* hoped that the agitators of this question would make up their minds with respect to what they really wanted, before they came to parliament. If he rightly understood the hon. alderman, the citizens of London wished for a total repeal of the tax. If this were the case, those who opposed the alteration, need not trouble themselves further about the matter, the hon. alderman and the chancellor of the exchequer could settle it between them. If, however, the hon. alderman did not succeed in his object, he hoped he would not attempt to throw the burthen from his own shoulders, and place it on the backs of others. When the question came to be debated, it would be found that the city of London had not a shadow of foundation for the complaints that were made. The citizens of London had the advantage of the cheapness of manufactures, and were not affected by those unfavourable circumstances which operated in the country. The duty on sea-borne coal was equal throughout the kingdom. It was, he believed, 6*s.* per chaldron. Three shillings had been laid on in the port of London, to form a fund for the building of fifty churches. What he would ask, had the people of Wales to do with this? Why, should they pay a tax on that account? There was 1*s.* 3*d.* added for the Orphans' Fund; 2*s* per chaldron for another charge; and 6*d.* per chaldron for the duke of Richmond's tax. But he would tell the corporation of London, how they could have coals cheap. There was a large stone on the river Thames, below Staines. Now, if they would remove that stone a little down the river, as far, for instance, as Blackfriars-bridge, he would answer for it that coals would be sold in London at as cheap a rate as they were now procured in the country.

Mr. *W. Littelton* thought this a very serious question. If he ever knew a period in which it would be harsh and cruel to lay an additional tax on the coal districts, it was at this time, when so much distress prevailed throughout the country. The equalization of taxes had, indeed, a great appearance of justice, but at this period of our history it was not practicable. If any new measure were to be adopted, he thought a far greater proportion should be borne by the metropolis than any other part of the kingdom. He wished to know if there was any intention on the part of ministers to make this a question of theirs. As he did not see the chancellor of the exchequer in his place, he hoped the hon. secretary of the treasury would be able to give an answer. It was essential to know whether ministers, with the knowledge which they had of the distress of the country meant to impose any new tax.

Mr. *Lushington* said, he was not aware that it was the intention of ministers to propose any alteration whatever in the present duties.

Sir *C. Mordaunt* said, he should not be performing his duty towards his constituents, if he did not protest against any alteration in the coal tax. The evil which this equalization, as it was called, would produce, could not be contemplated without feelings of alarm. He gave every credit to the hon. alderman, to the gallant officer, and to those who acted with them, for the purity of their intentions; but he trusted they never would be able to induce ministers to take up a question which would be most injurious to the country.

Sir *M. W. Ridley* said, he would not enter into a discussion on the merits of the question, but would merely state the nature of the communication he had received from Newcastle on Tyne that day. The individuals connected with the trade, felt, as far as their own interests were concerned, that the equalization of the coal duty was very important; but they were of opinion that if such a plan were adopted, it would throw on their neigh-

bours, and on the manufacturers of all England, situated near coal-mines, a most unjust and most oppressive burthen. He had received notice, that, in the course of a few days, a petition from the great body of the coal trade on the river Tyne, against such a measure would be transmitted to him. He had been attacked by a public writer, on account of his conduct at a meeting held on this subject. That writer asserted, that he had refused to agree to a tax on the coal at the pit's-mouth because he was the proprietor of a glass-house in the north. This was a matter of very little importance to the House; but having been unjustly attacked, he deemed it necessary to repel the accusation. The fact was, he had a small fractional share in a glass house, so trifling, that if the tax were laid on at the pit's mouth, it would make scarcely any difference to him. He was hostile to the plan not from any private feeling, but because his public duty dictated to him the impropriety of sanctioning a measure which he believed would have very injurious effects.

Mr. *Curwen* said, that, even in the coal counties, at a distance of twenty-five miles from the pit's-mouth, the consumer paid as much for his coals as the inhabitant of London. If this equalization took place, it would act as a most unjust and heavy impost.

Mr. *Canning* took the liberty of suggesting to the House, whether the revival of this discussion on every petition that was presented, by which the regular course of business was interrupted, could be considered the best mode of bringing the question to a rational conclusion? Was it not more likely to disgust the House, and prevent them from entertaining the subject cordially, when it came before them in a regular shape? As there was no objection to laying the petition on the table, he trusted the discussion would end here.

Mr. *Bennet* wished to correct a very idle and absurd idea which was entertained in the city of London, namely, that coals were to be found in the neighbourhood of Blackheath, and that a monopoly was granted to the coal owners in the north, which was still more absurd if possible. Such stories put him in mind of an unfortunate gentleman, who imagined he had discovered a coal mine near Oxford, and who, in consequence, formed a rail-way and almost excavated a canal, but after an immense expense, he was obliged to give up the speculation as a mere chimera.

Mr. *Littleton* observed, that the way by which his right hon friend could most effectually put an end to this question, was, by exerting his influence with the chancellor of the exchequer, and getting him to come down to the House with an open and manly declaration, that government had not only no intention of resorting to such a measure, but were so deeply impressed with the evils it would create, that they would oppose any attempt at an equalization of the coal tax.

Ordered to lie on the table.

DISCHARGE OF THOMAS GRADY.] On the Motion of sir Robert Wilson, Mr. Thomas Grady was brought to the bar, where he received a reprimand from Mr. Speaker, and was ordered to be discharged out of custody, paying his fees. The reprimand was as followeth; viz.

" Thomas Grady; you have been guilty of writing and sending a letter, the contents of which are a high breach of the privileges of this House; for this offence you were committed to his majesty's gaol of Newgate. Your petition praying for release from further confinement, has been received by this House, and the terms in which it is conveyed, the deep regret you express for having offended this House and the solemn assurance you give that it was farthest from your intention to trespass upon its privileges,—relieve me from the duty (which, considering the rank and station you have held in life, would have indeed been a most painful duty) of enlarging upon the nature and character of this offence. I will only add, that this House, at all times determined to vindicate its own honour and dignity, and to uphold and maintain its privileges, as the best security for the rights and liberties of the subject, is at all times anxious to measure the severity of its punishment by the necessity which calls for it. This necessity, in your instance, has been satisfied; and I am commanded, therefore, to acquaint you, that you are discharged, upon payment of your fees."

SUBDIVISIONS OF COMMITTEES.] Mr. *Wynn* said, he had understood last night that it was the intention of the noble lord opposite to subdivide the committee which he had obtained into sub-committees, to

each of which a particular branch of the great enquiry on which he had embarked the House, would be confided. This was contrary to the rules and practice of parliament for at least one hundred years, and he now wished to know whether the noble lord intended to move that such power be granted to his committee.

Lord *Castlereagh* said, that he had no such intention, and that the members of the committee would make the best arrangements amongst themselves to examine the information which had been or should be collected.

Mr. *Wynn* wished to inquire of the Chair, whether such proceedings could be carried on, and whether committees were to be allowed to divide themselves into sub-committees. He contended that it could not be done without the special consent of the House. He had looked over the Journals, and found that in 1640, such a power had been declared to reside in grand committees only. In 1661, and 1667, several instances had occurred, in which that power had been granted by the House upon very particular grounds being shown. But since that period, no other instance whatever had taken place. Regarding such a practice as of a most dangerous tendency, if such a motion was to be made, he trusted that a day would be fixed for its consideration, in order that he might take the sense of the House upon it.

The *Speaker*, if the appeal of the hon. member was intended for him, had no doubt in stating, that when a subject was delegated to a committee, it was delegated entire to every member of which that committee was composed. The House limited the numbers of the committee for that purpose.

CRIMINAL LAWS.] Sir *James Mackintosh* rose and addressed the House to the following effect:—

Sir; I now rise, in pursuance of the notice which I gave, to bring before the House a motion for the appointment of a select committee, to consider of so much of the Criminal Laws as relates to Capital Punishment in Felonies; and to report their observations and opinion thereon to the House; and I should have immediately proceeded to explain the grounds and objects of such a motion, which is almost *verbatim* the same as a resolution entered on the Journals of the House in the year 1770, when authority was delegated to a committee for the same purpose—I should have proceeded, I say, to state at once why I think such an inquiry necessary, had it not been for some concessions made by the noble lord last night, which tend much to narrow the grounds of difference between us, and to simplify the question before the House. If I considered the only subject of discussion to be that which exists between the noble lord and myself, it would be reduced to this narrow compass; namely, whether the noble lord's proposal or mine be the more convenient for the conduct of the same inquiry; but as every member in this House is a party to the question, I shall make some preliminary observations on the noble lord's statements.

If I understood the noble lord rightly, he confesses that the growth of crimes and the state of the criminal law in this country call for investigation; he proposes that those subjects shall be investigated by a select committe, which I also admit to be the most expedient course, and he expressly asserts his disposition to make the inquiry as extensive as I wish it to be. As far therefore as the noble lord is concerned, I am relieved from the necessity of proving that an inquiry is necessary; that the appointment of a select committee is the proper course for proceeding to the inquiry; that the inquiry ought to be extensive. I am thus brought to the narrower question — Whether the committee of the noble lord or that which I propose be the more convenient instrument for conducting an inquiry on the special subject to which my motion refers? I shall endeavour briefly to show, that the mode of proceeding proposed by the noble lord, although embracing another and excellent subject of inquiry, must be considered as precluding an inquiry into that part of the criminal law which forms the subject of my motion, for two reasons. The first is, a physical impossibility, and having stated that, I may perhaps dispense with the necessity of showing any other. We have heard from an honourable friend of mine whose authority is the highest that can be resorted to on this subject, that an inquiry into the state of two or three gaols occupied a committee during a whole session. My hon. friend, a magistrate of the city, has stated, that an inquiry into the state of the prisons of the metropolis occupied during a whole session the assiduous committee over which he presided. When,

therefore, the noble lord refers to one committee not only the state of the law but the state of gaols, of transportation, and of that little adjunct the Hulks, he refers to it an inquiry which it can never conduct to an end; he proposes, as my hon. friend has said, to institute an investigation which must outlive a parliament. The noble lord has, in fact, acknowledged, by the proposal to subdivide his committee, that it is impossible one committee can inquire into all the subjects which, at his recommendation, have been referred to it; and this impossibility he would evade by a violation of the usages of the House; as you, Sir, with the authority due to your opinions, have declared the proposition for subdividing a committee to be. I, in accordance with the usages of the House, propose that the House shall itself nominate separate committees; the noble lord, by his unparliamentary and unconstitutional suggestion, proposes that the committee which has been named shall again nominate three committees.—My second objection is, that the noble lord's notice, and the order made by the House yesterday upon it, do not embrace the purpose which I have in view. To prove this, I might content myself with a reference to the words of the instruction under which the noble lord's committee is to proceed. That committee is directed "to inquire into the state and description of gaols and other places of confinement, and into the best method of providing for the reformation as well as for the safe custody and punishment of offenders." Now, what is the plain meaning of those expressions? Are they not the same offenders whose punishment as well as whose reformation and safe custody is contemplated? And does not the instruction thus directly exclude from the consideration of the committee the subject of capital punishments? The matter is too plain to be insisted on; but must not the meaning, on any fair and liberal construction, be taken to be, that the committee is to consider the reformation and safe custody of those offenders of whom imprisonment forms the whole or the greatest part of the punishment? It would be absurd to suppose that the question of capital punishments should be made an inferior branch of the secondary question of imprisonment; and that the great subject of criminal law should skulk into the committee under the cover of one vague and equivocal word.

On these grounds, Sir, I have a right to say that there is no comparison as to the convenience or the efficacy of the mode of proceeding proposed by the noble lord, and that which I recommend. Let us now see whether my proposition casts a greater censure on the law of the country than that of the noble lord. Every motion for inquiry assumes that inquiry is necessary—that some evil exists which may be remedied. The motion of the noble lord assumes thus much: mine assumes no more. It cast no reflection on the law or on the magistrates by whom it is administered. With respect to the question, whether the secondary punishments should be inquired into before we dispose of the primary, I have thus much to say. In proposing the present investigation, I have not been guided by my own feelings, nor have I trusted entirely to my own judgment. My steps have been directed and assured by examples set in other parliaments.

The first of these examples is the notable one in 1750, when, in consequence of the alarm created by the increase of some species of crimes, a committee was appointed by the House, "to examine into and consider the state of the laws relating to felonies, and to report to the House their opinion as to the defects of those laws, and as to the propriety of amending or repealing them." What does the noble lord say to this large reference, this ample delegation, this attack on the laws of our ancestors? Was it made in bad times, by men of no note, and of indifferent principles? I will mention the persons of whom the committee was composed. They were, Mr. Pelham, then chancellor of the exchequer, Mr. Pitt, afterwards lord Chatham, Mr. G. Grenville, afterwards lord Grenville, Mr. Lyttleton and Mr. C. Townshend, afterwards secretaries of state, and sir Dudley Ryder, the attorney-general, afterwards chief justice of England. Those great lawyers and statesmen will, at least, not be accused of having been rash theorists, or, according to the new word, ultra-philosophers. But it will be thought remarkable that those great men, who were, in liberality, as superior to some statesmen of the present day, as in practical wisdom they were perhaps not inferior to them, found two sessions of parliament necessary for the inquiry into which they entered. The first resolution to which those eminent and enlightened individuals agreed, was, "that it was rea-

sonable to exchange the punishment of death for some other adequate punishment." Such a resolution is a little more general and extensive than that which I shall venture to propose; such a resolution, however, did that committee, vested with the powers which I have already described, recommend to the adoption of the House. One circumstance, not necessarily connected with my present motion, I will take the liberty of mentioning. To that committee the credit is due of having first denounced the poor laws as the nursery of crime—for in this country pauperism and crime have always advanced in parallel lines, and with equal steps. That committee imputed much evil to the divisions among parishes for the maintenance of the poor. That committee too, composed of practical men as it was, made a statement which some practical statesmen of the present day will no doubt condemn as too large, namely, "that the increase of crime was in a great measure to be attributed to the neglect of the education of the children of the poor." A bill was brought in, founded on the resolutions of the committee: it passed this House, but was negatived in the House of Lords. But although it was lost there, it was not opposed by any of the great names of that day—by any of the luminaries of that House. In particular, lord Hardwicke did not oppose the bill, the principal object of which was the substitution of hard labour and imprisonment for the punishment of death.

In 1770, another alarm, occasioned by the increase of a certain species of crime, led to the appointment, on the 27th of November, of another committee of the same kind, of which sir Charles Grenville, sir William Meredith, Mr. Fox, Mr. Serjeant Glynn, sir Charles Bunbury, and others, were members. To that committee the reference was nearly the same as that which I am now proposing; but even that reference I have contracted. That committee was occupied for two years with the branch of the general inquiry which the noble lord proposes to add to the already excessive labours of a committee on another subject. In the second session they brought their report to maturity; and, on that report, a bill was introduced for the repeal of eight or ten statutes, which bill passed the House of Commons without opposition. I do not mean to enter into the minute history of that bill, which was thrown out in the House of Lords. It met with no hostility from the great ornaments of the House of Lords of that day, lord Camden and lord Mansfield; but it was successfully opposed by others, whom I will not name, and whose names will be unknown to posterity.

Sir, it is upon these precedents that I have formed, and that I bring forward my motion. I have shown, that the step I propose to take, accords with the usage of parliament in the best of times, and that if we follow the plan recommended by the noble lord, we cannot effect the purpose which we have in view, without evading or violating the usage of parliament. Accepting, therefore, the noble lord's concession, that a committee ought to be appointed for this investigation, here I might take my stand, and challenge him to drive me from this ground, which, with all the noble lord's talents, he would find some difficulty in doing. But I feel that there is a great difference between the respective situations of the noble lord and myself; and that, although the noble lord last night contented himself with stating the evils which exist, without adverting to the other essential part of any proposal for a parliamentary inquiry, namely, the probability of a remedy, I must take a different course. Although I cannot say that I agree with my hon. friend, who says, that a select committee is not the proper mode of investigating this subject, yet I agree with him that there are two things necessary to justify an investigation, whether by a committee, or in any other manner. The first is, the existence of an evil; the second is, the probability of a remedy. Far, therefore, from treating the sacred fabric reared by our ancestors, more lightly, I approach it more reverentially than does the noble lord. I should not have dared, merely on account of the number of offences, to institute an inquiry into the state of the criminal law, unless, while I saw the defects, I had also within view, not the certainty of a remedy (for that would be too much to assert), but some strong probability, that the law may be rendered more efficient, and a check be given to that which has alarmed all good men—the increase of crimes. While I do what I think it was the bounden duty of the noble lord to have done, I trust I shall not be told that I am a rash speculator, that I am holding out impunity to criminals, or

foreshowing what the noble lord is pleased to call "a golden age for crime;" unless the noble lord asserts that sir Dudley Ryder, at the head of the criminal jurisprudence of the country, and Mr. Serjeant Glynn, the recorder of London—an officer that unhappily has the most extensive experience of the administration of the criminal law in the world, were entitled to similar appellations; for both those eminent individuals believed a remedy to the evil in question, to be practicable, and recommended it as necessary; and under any general reprobation which the noble lord may apply to such men, I shall not be ashamed to be included.

I must now mention what my object is not, in order to obviate the misapprehensions of over zealous supporters, and the misrepresentations of desperate opponents. I do not propose to form a new criminal code. Altogether to abolish a system of law, admirable in its principle, interwoven with the habits of the English people, and under which they long and happily lived, is a proposition very remote from my notions of legislation, and would be too extravagant and ridiculous to be for a moment listened to. Neither is it my intention to propose the abolition of the punishment of death. I hold the right of inflicting that punishment to be a part of the right of self-defence with which societies, as well as individuals, are endowed. I hold it to be, like all other punishments, an evil when unnecessary; but, like any other evil, employed to remedy a greater evil, capable of becoming a good. Nor do I wish to take away the right of pardon from the Crown. On the contrary, my object is, to restore to the Crown the practical use of that right, of which the usage of modern times has nearly deprived it. The declaration may appear singular; but I do not aim at realizing any universal principle. My object is, to bring the letter of the law more near to its practice; to make the execution of the law form the majority, and the remission of the law, the minority of the case. I do not expect that a system of law can be formed so graduated, that it can be applied to every case without the intervention of a discretionary power; but I think we have reason to complain of the practice under which the remission of the law forms the rule, and the execution the exception. I hope to see an effect produced on the vicious, by the steady manner in which the laws shall be enforced. The main part of the reform which I should propose, would be to transfer to the Statute Book the improvements which the wisdom of modern times has introduced into the practice of the law. But I must add, that even in the case of some of the practical parts of the law with which the feelings of good men are not in unison, I should propose such a reform as would correct that anomaly. It is one of the greatest evils which can befal a country when the criminal law and the virtuous feeling of the community are in hostility to each other. They cannot be long at variance without injury to one, perhaps to both. One of my objects is, to approximate them; to make good men the anxious supporters of the criminal law, and to restore, if it has been injured, that zealous attachment to the law in general, which, even in the most tempestuous times of our history, has distinguished the people of England among the nations of the world.

Having concluded my general remarks, I will now enter into a few illustrative details. It is not my intention to follow the noble lord in his inquiry into the causes of the increase of crimes. I think that the noble lord's statement last night was, in the main, just and candid. I agree with the noble lord, that it is consolatory to remark, that the crimes in which so rapid an increase has been observable, are not of the blackest die, and of the most ferocious character; that they do not deeply stain and dishonour the ancient moral character of Englishmen; that they are crimes against property alone, and are to be viewed as the result of the distresses, rather than of the depravity of the community. I also firmly believe, that some of the causes of increased crime are temporary. But the noble lord and I, while we agree in this proposition, are thus whimsically situated:—he does not think that some of those causes are temporary, which I conceive to be so; while, on the other hand, he sets down some as temporary, which I believe to be permanent. As to the increase of forgery for example (which I mention only by way of illustration), I had hoped that when cash payments should be restored, that crime would be diminished. But the noble lord has taken pains to dissipate that allusion, by asserting that the withdrawing of such a mass of paper from circulation would be attended with no such beneficial conse-

quences. According to the noble lord, the progress of the country in manufactures and wealth is one of the principal causes of crime. But is our progress in manufactures and wealth to be arrested? Thus it appears that the noble lord must imagine there exists a permanent, and augmenting cause of crime, at once increasing with our prosperity, and undermining it through the morals of the people. According to the noble lord, great cities form another cause of crime. But this cause cannot diminish; for great cities are the natural consequences of manufacturing and commercial greatness. In speaking, however, of the population of London, the noble lord has fallen into an error. Although London is positively larger now than it was in 1700, it is relatively smaller. Although it has since that time become the greatest commercial city in Europe, the capital of an empire whose colonies extend over every quarter of the world, London is not so populous now, with reference to the population of the whole kingdom, as it was in the reign of William the third.

It is principally to those causes of crime, which arise out of errors in policy or legislation, that I wish to draw the attention of parliament. Among other subjects, it may be a question whether the laws for the protection of the property called game, have not created a clandestine traffic, highly injurious to the morals of the labouring classes. I am happy to find that that subject is to be taken up by the hon. member for Hertfordshire, who will draw to it the attention which every proposition of his deserves. A smuggling traffic of another species, although attended with nearly the same effects, has been fostered by some of the existing laws relating to the revenue. I would propose no diminution of revenue; for, unfortunately, we can spare none. But there are some taxes which produce no revenue, and which were never intended to produce any, and which are, nevertheless, very detrimental. The cumbrous system of drawbacks and protecting duties, adds to the number of smugglers; and the poachers and smugglers reinforce the bands of depredators to which the increase of manufactures is said to have given rise. The state which does not seek to remedy these diseases is guilty of its own destruction. Seeing a right hon. gentleman in his place, on whose attention, subjects connected with the commerce of the country, have a claim, I must express my surprise, that although we are now in the fourth year of a peace, not a single step has been taken to institute an inquiry into the necessity of continuing those endless regulations and prohibitory duties, which, besides their commercial inconveniences, are the nursery of crimes of the most atrocious and sanguinary description. There is one other subject which I must mention; for, viewing it as I do, it would be unpardonable to omit it. On examining the summary of crimes which has been laid on the table, it appears that it was in 1808 that the great increase of crime took place. The number of crimes since that time has never fallen below the number of that year, although subsequent years have varied among one another. But it is extremely remarkable, and is, indeed, a most serious and alarming fact, that the year 1808 was precisely the period when the great issues of the Bank of England began. As it has been observed, in the Letter to the right hon. member for the university of Oxford (Mr. Peel), a work which has been already mentioned in this House, the author of which, although he has concealed his name, cannot conceal his talents and his singular union of ancient learning with modern science, it was at that time that pauperism and poor-rates increased — a point which was also dwelt upon with great force by a right hon. gentleman in the debate upon the affairs of the Bank of England. Pauperism and crime, as I have before said, go hand in hand. Both were propelled by the immense issues of Bank paper in 1808. By those issues, the value of the one pound note was reduced to fourteen shillings. Every labourer, by he knew not what mysterious power, by causes which he could not discover or comprehend, found his wages diminished at least in the proportion of a third. His comforts were curtailed, and his enjoyments destroyed by the operation of the paper system, which was to him like the workings of a malignant fiend that could be traced only in their effects. Can any one doubt that this diminution of the income of so many individuals, from the highest to the lowest classes of society, was one of the chief sources of the increase of crime?

But the main ground which I take is this—that the criminal law is not so efficacious as it might be, if temperate and prudent alterations were made, and

if the letter of the law were more nearly assimilated to the practice, from which it has not merely deviated, but with which it is totally at variance. It is well known that there are two hundred capital felonies on the Statute Book; but it may not be so familiar to the House, that by the returns from London and Middlesex it appears that from 1749 to 1819, a term of seventy years, there are only twenty-five sorts of felonies, for which any individuals have been executed; so that there are a hundred and and seventy-five capital felonies, respecting which, the punishment ordained by statute has not been inflicted. In the thirteen years, since 1805, it appears that there are only thirty descriptions of felonies on which there have been any capital convictions throughout the kingdom of England and Wales; so that there are a hundred and seventy felonies by law, on which not one capital conviction has taken place. This rapidly increasing discordance between the letter and the practice of the criminal law, arose in the best times of our history, and, in my opinion, out of one of its most glorious and happy events. As I take it, the most important consequence of the Revolution of 1688, was the establishment in this country of a parliamentary government. That event, however, has been attended by one inconvenience—the unhappy facility afforded to legislation. Every member of parliament has had it in his power to indulge his whims and caprices on that subject; and if he could not do any thing else, he could create a capital felony. The anecdotes which I have heard of this shameful and injurious facility, I am almost ashamed to repeat. Mr. Burke told me, that on a certain occasion, when he was leaving the House, one of the messengers called him back. Mr. Burke said, that he was going on urgent business. "Oh!" replied the messenger, "it will not keep you a single moment, it is only a felony without benefit of clergy." Mr. Burke also assured me, that although, as may be imagined, from his political career, he was not often entitled to ask favour from the ministry of the day, he was persuaded his interest was at any time good enough to obtain their assent to the creation of a felony without benefit of clergy. This facility of granting an increase of the severity of the law to every proposer, with the most impartial disregard of political considerations: this unfortunate facility arose at a time when the humane feelings of the country were ripening amidst the diffusion of knowledge, and thus brought the final separation between the letter and the practice of the law; for both the government and the nation revolted from the execution of laws which were regarded not as the result of calm deliberation or consummate wisdom, but rather as the fruit of a series of perverse and malignant accidents, impelling the adoption of temporary and short-sighted expedients. The reverence, therefore, generally due to old establishments, cannot belong to such laws. This most singular, and most injurious opposition of the enactments of the legislature, and the enforcement of those enactments, repeatedly attracted the attention of a distinguished individual, who unites in himself every quality that could render him one of the greatest ornaments of this House, and whom, as he is no longer a member, I may be permitted to name, I mean sir William Grant—a man who can never be mentioned by those who know him without the expression of their admiration—a man who is an honour, not merely to the profession to which he has been exalted, but to the age in which he lives—a man who is at once the greatest master of reason and of the power of enforcing it—whose sound judgment is accompanied by the most perspicuous comprehension—whose views, especially on all subjects connected with legislation, or the administration of the law, are directed by the profoundest wisdom—whom no one ever approaches without feeling his superiority, and who only wants the two vices of ostentation and ambition (vices contemned by the retiring simplicity and noble modesty of his nature) to render his high talents and attainments more popularly attractive—that great man (for such he really is) has given us his authority for the assertion, that the principle of the criminal law is diametrically opposite to its practice. On one occasion particularly, when his attention was called to the subject, he declared it to be impossible that both the law and the practice could be right, that the toleration of such discord was an anomaly that ought to be removed; and that, as the law might be brought to an accordance with the practice, but the practice could never be brought to an accordance with the law, the law ought to be altered for a wiser and more humane system. At another time, the same eminent individual used this remarkable ex-

pression, namely, that during the last century, there had been a general confederacy of prosecutors, witnesses, counsel, juries, judges, and the advisers of the Crown, to prevent the execution of the criminal law. Such is the state to which the law has been brought. To prevent it from being carried into effect, all that is great and good—all that is considerate and generous, are found to conspire. Is it fitting that a system should continue, which the whole body of the intelligent community combine to resist, as a disgrace to our nature and nation?

Sir, I feel that I already owe much to the indulgence of the House; and I assure you that I shall be as concise as the circumstances of the case, important as it confessedly is, will allow; and more especially in the details attendant upon it. The noble lord last night dwelt much upon the consequences of a transition from war to peace in the multiplication of crimes; but upon consulting experience, I do not find that the noble lord's position is borne out. It is not true that crimes always diminish during war, or that they always increase after its conculsion. In the Seven Years' War, indeed, crimes augmented, and they decreased after its termination; but they were more numerous in the seven years preceding the American war, and continued to advance not only during those hostilities, but, I am ready to admit, after the restoration of peace. It is, however, quite correct to state, that there was no augmentation of crime which much outrun the progress of population until within about the last twenty, and more especially within the last ten years; and that the augmentation which has taken place is capable of being accounted for without any disparagement of the ancient and peculiar probity of the British character. As to the varieties which have taken place in the administration of the law with respect to the proportion of the executions to the convictions, some of them have certainly been remarkable. Under the various administrations of the supreme office of the law, down to the time of lord Thurlow, the proportion of executions to convictions was for the most part uniform. Lord Rosslyn was the first lord chancellor under whose administration a great diminution of executions, as compared with executions, is to be remarked; and this I must impute, not only to the gentle disposition of that distinguished lawyer, but to the liberality of those principles, which, however unfashionable they may now have become, were entertained by his early connexions. Under lord Rosslyn's administration of the law, the proportion of executions was diminished to one in eight—one in nine—and, finally, as low as one in eleven. But, Sir, to the noble lord's argument grounded on the diminution in the number of executions, I wish to say a few words. If we divide crimes into various sorts, separating the higher from the inferior offences, we shall find, that with respect to the smaller felonies, the proportion of executions has been one in twenty—one in thirty—and, in one year, only one in sixty. In the higher felonies, with the exception of burglary and robbery, which stand on particular circumstances, the law has uniformly been executed. The noble lord's statement, therefore, is applicable only to the higher felonies, in which the law has been generally executed; and by applying it to the whole mass of our criminal code, the noble lord creates a delusion, if he means that to be the basis of a general argument on the subject. The real state of the case is, that in the first or highest class of felonies, the law has been executed in every case; that in the middle class it has sometimes been executed; and that in the lowest class it has not been executed at all. To correct this anomaly, so injurious, and so subversive of the great purposes of criminal jurisprudence, is the object which I have in view.

For the sake of clearness, I will divide the crimes against which our penal code denounces capital punishment into three classes. In the first, I include murder, and murderous offences, or such offences as are likely to lead to murder, such as shooting or stabbing, with a view to the malicious destruction of human life, on which the law is invariably executed; in the second, arson, highway robberies, piracies, and other offences, to the number of nine or ten, which it is not necessary, and which it would be painful to specify, on which, at present, the law is carried into effect in a great many cases. On those two divisions, I will admit, for the present, that it would be unsafe to propose any alteration. Many of the crimes comprehended in them ought to be punished with death; whatever attacks the life or dwelling of man, ought to be punished with death; and I am persuaded

that a patient and calm investigation would remove the objections of a number of well-meaning persons who are of a contrary opinion. But looking from these offences at the head of the criminal code to the other extremity of it, I there find a third class of offences, some connected with frauds of various kinds, but others of the most frivolous and fantastic description, amounting to about a hundred and fifty in number, against which, the punishment of death is denounced by the law, although that punishment is never at present executed (indeed, it would be most absurd to suppose that it could be so), and when executed in one or two instances, in former times, the execution excited the disgust and horror of all good men. There can be no doubt—even the noble lord I apprehend will not dispute—that these capital felonies should be expunged from our Statute Book, as a disgrace to our law, and as creating a false opinion, that it is much more sanguinary than it has ever been rendered in practice. Can any man think, for instance, that such an offence as that of cutting down a hop vine should remain punishable with death?—that such an offence as cutting down a young tree in a gentleman's pleasure ground should remain punishable with death? The Black Act, as it is called, created about twenty-one capital felonies, some of them of the most absurd description. Bearing particular weapons, having the face blacked at night, and being found disguised upon the high-road, were rendered by it capital crimes; so that if a gentleman is going to a masquerade, and is obliged to pass along a highway, he is liable, if detected, to be hanged without benefit of clergy! Who can endure the idea that a man is exposed to the punishment of death for such an offence as cutting the head of a fish-pond? Sir, there are many more capital felonies of a similar nature, which are the relics of barbarous times, and which are disgraceful to the character of a thinking and enlightened people. For such offences, punishments quite adequate, and sufficiently numerous, remain, which the wisdom of the legislature may order to be inflicted. It is undoubtedly true, that for the last seventy years, no capital punishment has been inflicted for such offences—the statutes denouncing them are therefore needless; and I trust I shall never live to see the day when any member of this House will rise and maintain, that a punishment, avowedly needless, ought to be continued.

The debateable ground on this subject is afforded by a sort of middle class of offences, consisting of larcenies, and frauds of a heinous kind, although not accompanied with violence and terror. It is no part of my proposal to take away that discretion which is reposed in the judicial authorities respecting these offences. Nothing in my mind would be more imprudent than to establish an undeviating rule of law — a rule that in many cases would have a more injurious and unjust operation than can easily be imagined. I do not therefore propose in any degree to interfere with the discretion of the judges, in deciding upon any crime to which the punishment of death ought under some circumstances to attach, but to examine whether or not it is convenient, upon the whole view of the subject, that death should remain the punishment expressly directed by the law for offences, which, in the administration of the law, are never, even under circumstances of the greatest aggravation, more severely punished than with transportation, either for life or for limited periods. It is impossible to advert to the necessity of reforming this part of the law, without calling to mind the efforts of that highly distinguished and universally lamented individual, by whom the attention of parliament was so often roused to the subject of our penal code. Towards that excellent man I felt all the regard which a friendship of twenty years duration naturally inspired, combined with the respect which his eminently superior understanding irresistibly claimed. But I need not attempt to describe his merits. To them ample justice has been already done by the unanimous voice of the empire, seconded by the opinion of all the good men of all nations, and especially by the eulogium of the hon. member for Bramber, whose kindred virtues and kindred eloquence enable him justly to appreciate the qualities of active philanthropy and profound wisdom. I trust the House will bear with me if, while touching on this subject, I cannot restrain myself from feebly expressing my admiration of the individual by whose benevolent exertions it has been consecrated. There was, it is well known, an extraordinary degree of original sensibility belonging to the character of my lamented friend, combined with the

greatest moral purity and inflexibility of public principle; but yet, with these elements, it is indisputably true, that his conduct as a statesman was always controlled by a sound judgment, duly and deliberately weighing every consideration of legislative expediency and practical policy. This was remarkably shown in his exertions respecting the criminal code. In his endeavours to rescue his country from the disgrace arising out of the character of that code, my hon. and learned friend never indulged in any visionary views. He was at once humane and just, generous and wise. With all that ardour of temperament with which he uncasingly pursued the public good, never was there a reformer more circumspect in his means, more prudent in his end,—and yet all his propositions were opposed. In one thing, however, he succeeded: he redeemed his country from a great disgrace, by putting a stop to that career of improvident and cruel legislation, which, from session to session, was multiplying capital felonies. Sir, while private virtue and public worth are distinguished among men, the memory of sir Samuel Romilly will remain consecrated in the history of humanity. According to the view of my lamented friend, the punishment of death ought not to attach by law to any of those offences for which transportation is a sufficient punishment, and for which, in the ordinary administration of the law by the judges, transportation alone is inflicted. In that view I entirely concur. I will not now enter into any discussion on the doctrine of Dr. Paley with respect to the expediency of investing the judges with the power of inflicting death even for minor offences, where, in consequence of the character of the offence and of the offender, some particular good may appear to be promised from the example of such a punishment on a mischievous individual. The question is, whether the general good derived by society from the existence of such a state of the law is so great as to exceed the evil; and I may venture to express my conviction, that the result of such an inquiry as that which I propose will be to show, that the balance of advantage is decidedly against the continuance of the existing system. The late lord chief justice of the common pleas, whose authority is undoubtedly entitled to great consideration, on discussing this question expressed an opinion that if the punishment of death for certain crimes were inflicted only in one case out of sixty, yet that the chance of having to undergo such a punishment must serve to impose an additional terror on the ill-disposed, and so operate to prevent the commission of crime. But I, on the contrary, maintain, that such a terror is not likely to arise out of this mode of administering the law. I am persuaded that a different result must ensue; because this difference in the punishment of the same offence must naturally encourage a calculation in the mind of a person disposed to commit crime, that if he did commit it, it was likely he would escape capital punishment. It must also operate on a malefactor's mind in diminution of the terrors of transportation. Exulting at his escape from the more dreadful infliction, joy and triumph must absorb his faculties, eclipsing and obscuring those apprehensions and regrets with which he would otherwise contemplate the penalty that he was actually doomed to suffer. The feeling of deliverance from the greater danger must alleviate the minor suffering; and such an offender, under such circumstances, is perhaps induced like Cicero, to consider exile as a refuge, rather than as a punishment. In support of this opinion, I will quote the authority of one who, if I cannot describe him as an eminent lawyer, all will agree was a man deeply skilled in human nature, as well as a most active and experienced magistrate—I allude to the celebrated Henry Fielding. In a work published by that gentleman, at the period when the first parliamentary inquiry of this nature was in progrees, intituled "A Treatise on the Causes of Crime," there is this observation: "A single pardon excites a greater degree of hope in the minds of criminals than twenty executions excite of fear;" and hence that able and ingenious writer, whose functions as a magistrate rendered him peculiarly competent to pronounce on the subject forcibly argues, that pardons contribute to the increase of crime. Now that argument I consider to be quite analogous to that which I have just used with reference to the opinion of the late lord chief justice of the Common Pleas, because the chance of escape from death in either case is but too apt to dislodge all thought about the inferior punishment of transportation.

But another most important consideration is, the effect which the existing system of law has in deterring the injured from commencing prosecutions, and wit-

nesses from coming forward with their evidence in support of such prosecutions. The chances of escape are thus multiplied by a system which discourages the prosecutor and increases the temptations of the offender. The better part of mankind, in those grave and reflecting moments which the prosecution for a capital offence must always bring with it to their minds, frequently shrink from the task imposed on them. The indisposition of men to prosecute while the laws continue so severe is matter of public notoriety. This has been evinced in various cases. It is not long since an act of George 2nd, for preserving bleaching grounds from depredation was repealed on the proposition of sir Samuel Romilly, backed by a petition from the proprietors of those grounds, who expressed their unwillingness to prosecute while the law continued so severe, and who represented that by the impunity thus given to offenders their property was left comparatively unprotected. An eminent city banker has also been very recently heard to declare in this House, that bankers frequently declined to prosecute for the forgery of their notes in consequence of the law which denounced the punishment of death against such an offence. It is notorious that the concealment of a bankrupt's effects is very seldom prosecuted, because the law pronounces that to be a capital offence. It is undoubtedly however a great crime, and would not be allowed to enjoy such comparative impunity were the law less severe; and this therefore affords an additional proof of the encouragement which the severity of the law holds out to offenders. There is another strong fact on this subject to which I may refer as illustrating the general impression respecting the criminal law. I mean the act which was passed in 1812, by which all the acts which created offences against the revenue laws were consolidated, and by which the acts imposing capital punishment, not specified in that consolidation were of course repealed. That act I understand was introduced at the instance of certain officers of the revenue. And why, but because, from the excessive severity of the revenue laws, the collectors of the revenue themselves found that they were utterly inefficient. But I have the highest official authority to sustain my view of the criminal code. I have the authority of the late chief baron of the Exchequer, sir Archibald Macdonald, who when he held the office of attorney-general, which office he discharged with so much honour to himself and advantage to the country, distinctly expressed his concurrence in the opinion of lord Bacon, that great penalties deadened the force of the laws.

The House will still bear in mind that I do not call for the abolition of the punishment of death; but only for its abolition in those cases in which it is very rarely and ought never to be carried into effect. In those cases I propose to institute other, milder, but more invariable punishments. I am of opinion that the punishment of death ought to be inflicted in certain cases, and especially for murder. The courts of law should, in such cases, be armed with the awful authority of taking away the life of an offender; that thus it may be seen that in this country that may be done by justice which may not be done by power. But in order to render that authority fully impressive, I am convinced that the punishment of death should be abolished where inferior punishments are not only applicable, but usually applied. Nothing, indeed, can in my opinion be more injurious than the frequency with which the sentence of death is pronounced from the judgment seat, with all the solemnities prescribed on such an occasion, when it is evident, even to those against whom the punishment is denounced, that it will never be carried into effect. The solemn annunciation of the judgment of the law is most useful in inspiring awe, where it is known that it will be executed, but where the contrary is the fact, it becomes a mere formality, an idle mockery, degrading to the character of the law itself as well as to the dignity of those by whom it is administered; and wantonly subtracting from those terrors which form the chief guard and protection of society, because without them neither life nor property can be secure. How can those terrors be sustained while murder and burglary are levelled with offences deserving and receiving a much slighter punishment? But the law is deprived of its beneficent energy, and society of its needful defence, whenever that awful authority the jurisdiction of life and death, is disarmed of its terrors. Sir William Grant, in a report of one of his speeches which I have seen, observes, that the great utility of the punishment of death consists in the horror which it is naturally calculated to excite against the criminal;

and that all penal laws ought to be in unison with the public feeling; for that when they are not so, and especially when they are too severe, the influence of example is lost, sympathy being excited towards the criminal, while horror prevails against the law. Such indeed was the impression of sir William Blackstone, of Mr. Fox, and of Mr. Pitt, as well as of sir William Grant. It is also the opinion of lord Grenville expressed in a speech from that nobleman, as distinguished for forcible reasoning, profound wisdom, and magnificent eloquence, as any speech I have ever heard on any subject. It must undoubtedly happen even in the best regulated conditions of society, that the laws will be sometimes at variance with the opinions and feelings of good men. But that, in a country like Great Britain, they should remain permanently in a state not less inconsistent with obvious policy than with the sentiments of all the enlightened and respectable classes of the community, is indeed scarcely credible. I should not be an advocate for the repeal of any law because it happened to be in opposition to temporary prejudices; but I object to the laws to which I have alluded, because they are inconsistent with the deliberate and permanent opinion of the public. In all nations an agreement between the laws and the general feeling of those who are subject to them is essential to their efficacy. But this agreement becomes of unspeakable importance in a country in which the charge of executing the laws is committed, in a great measure, to the people themselves. I know not how to contemplate without serious apprehension the consequences that may attend the prolongation of a system like the present. I have no wish whatever to throw any impediment in the way of our civil government. God forbid! It is my anxious desire to remove, before they become insuperable, the impediments that are already in the way of our civil government. My object is to make the laws popular, to reconcile public opinion to their enactments, and thus to redeem their character. It is to render their execution easy, their terror overwhelming, their efficacy complete, that I implore the House to give to the subject their most grave consideration. I beg leave to remind them, that sir William Blackstone, in his classical work on the laws of England, when urging the propriety of guarding the laws against public prejudice in order that they may become effective, points out the indispensable necessity under which juries frequently labour of committing what he calls "pious perjuries;" in estimating the value of stolen property. But why should juries be impelled, by the excessive severity of the laws, to commit such perjuries? This is another lamentable evil springing from the system. Resorted to as this practice is by one of the wisest institutions of the country, it so clearly indicates the public feeling, that to every wise statesman it must afford an instructive lesson; and he who overlooks such verdicts must be a most inattentive or injudicious observer, negligent of the most material interests of his country, for he neglects its morality. The just and faithful administration of the law, in all its branches, is the great bond of society; the point at which authority and obedience meet most nearly. If those who hold the reins of government, instead of attempting a remedy, content themselves with vain lamentations at the growth of crime—if they refuse to conform the laws to the opinions and dispositions of the public—that growth must continue to spread a just alarm.

With respect to petitions upon this subject, I have reason to believe that, in a few days, many petitions from a body of men intimately connected with the administration of the criminal law—I mean the magistracy of the country—will be presented, praying for a revision of that law. Among that body I understand that but little difference of opinion prevails, and that when their petitions shall be presented, they will be found subscribed by many of the most respectable individuals in the empire as to moral character, enlightened talent, and general consideration. I did not, however, think it right to postpone my motion for an inquiry so important until those petitions should be actually on the table. I should, indeed, have felt extreme regret if the consideration of this question had been preceded by petitions drawn up and agreed to at popular and tumultuary assemblies. No one can be more unwilling than myself to see any proceeding that can in the slightest degree interfere with the calm, deliberate, and dignified consideration of parliament, more especially on a subject of this nature. The discussion of such a question ought not to be influenced by any thing like clamour. The petition from the city of London, however, ought

to be considered in another light, and is entitled to peculiar attention. It proceeds from magistrates accustomed to administer justice in a populous metropolis, and who necessarily possess very great experience. It proceeds from a body of most respectable traders—men peculiarly exposed to those depredations against which capital punishment is denounced. An assembly so composed is one of weight and dignity; and its representations on this subject are entitled to the greater deference, inasmuch as the results of its experience appear to be in direct opposition to its strongest prejudices. The first impulse of men whose property is attacked, is to destroy those by whom the attack is made. But the enlightened traders of London perceive, that the weapon of destruction which our penal code affords, is ineffective for the purpose of steady protection—therefore, disabusing themselves of vulgar prejudice, they call for the revision of that code. Another petition has been presented to the House which I cannot pass over without notice. I allude to the petition from that highly meritorious and exemplary body of men the Quakers. That petition has, I think, been rather hardly dealt by; and has been described as containing a very extravagant recommendation; although the prayer with which it concludes is merely for such a change in the criminal law as may be consistent with the ends of justice. The body of the petition certainly deviates into a speculation as to the future existence of some happier condition of society, in which mutual good-will may render severe punishments unnecessary; but this is a speculation in which, however unsanctioned by experience, virtuous and philosophical men have in all ages indulged themselves, and have felt consoled by it for the evils by which they have been surrounded. The hope thus expressed, has exposed these respectable petitioners to be treated with levity; but they are much too enlightened not to know that with such questions statesmen and lawgivers, whose arrangements and regulations must be limited by the actual state and the necessary wants of a community, have no concern. And while I make these remarks I cannot but request the House to recollect what description of people it is to whom I apply them,—a people who alone of all the population of the kingdom send neither paupers to your parishes, nor criminals to your gaols,—a people who think a spirit of benevolence an adequate security to mankind (a spirit which certainly wants but the possibility of its being universal to constitute the perfection of our nature),—a people who have ever been foremost in undertaking and promoting every great and good work, a people who were among the first to engage in the abolition of the slave trade, and who, by their firm yet modest perseverance, paved the way for the accomplishment of that incalculable benefit to humanity. Recollecting all this, and recollecting the channel through which this petition was presented to the House, I consider it to be entitled to any thing but disrespect. The aid of such a body must always be a source of encouragement to those who are aiming at any amelioration of the condition of human beings; and on this occasion it inspires me, not only with perfect confidence in the goodness of my cause, but with the greatest hopes of its success. I will now, Sir, conclude by moving, "That a Select Committee be appointed to consider of so much of the Criminal Laws as relates to Capital Punishments in Felonies, and to report their observations and opinion of the same, from time to time, to the House."

Lord *Castlereagh* observed, that in rising to answer a speech of such length and variety as that of the hon. and learned gentleman, it was not his intention to take up much time in stating the impressions which it had left upon his mind. He should not, however, do justice to his own feelings, which he was sure accorded with those of the House, if he did not express his sense of the temperate and candid manner in which the question had been brought forward. It had been argued, too, with a precision which was to be expected from the general talents and legal knowledge of the hon. and learned mover. His own views did not differ to any great extent from those of the hon. and learned gentleman, but he was apprehensive that the motion and speech of the hon. and learned gentleman, although they could have no such effect in that House, might be construed out of doors as casting a reproach on the jurisprudence of the country, and ascribing to it a sanguinary character; although he knew that the objections, as stated by the hon. and learned gentleman applied to the principle of legislating in a particular form, and not to the administrative practice which existed. It was with much satis-

faction he had heard the intention of forming a new criminal code explicitly disclaimed, and that it was not in the hon. and learned gentleman's contemplation to propose the suppression of capital punishments altogether. It must be evident, in the circumstances of this country, that without this painful sacrifice to justice, there could be no sufficient protection for property, liberty, or life. He was also gratified to find, that no opinion was entertained that any interference with the exercise of mercy was expedient. The administration of law could never be attended with equal justice, without the free use of that prerogative. The true question therefore on which he was at issue with the hon. and learned gentleman, did not relate to the course which might ultimately be taken, or the degree to which our penal enactments might be eventually retrenched, but to that species of proceeding which would be most likely to lead to a wise and salutary result. He fully admitted that two important precedents had been adduced, and that they were the more deserving of consideration from the circumstance of the illustrious character of the persons by whom they were established. But still he would contend that those very precedents themselves furnished arguments against the imitation of them rather than in favour of their adoption. And first with respect to the precedent of 1750. Even on the narrow issue which the hon. and learned gentleman had assigned to his own question, it appeared that, with all the able and illustrious supporters who had given their assistance to the subject, the consideration of the criminal laws at that period was not concluded in one session, but occupied the House for two entire sessions. And what was the result? A bill had been introduced, which passed through the House of Commons; but the hon. and learned gentleman had omitted to state that that bill had been thrown out by the House of Lords. If the hon. and learned gentleman's proposition for repressing a number of capital punishments was not accompanied by some measure by which a secondary punishment should be substituted for that of death, which punishment should produce the same effect of impressing offenders with a salutary terror, the House would certainly regard it as a proposition founded entirely on an abstract view of the laws; and although at that distance of time it might be in vain to inquire into the precise cause of the failure of the measure proposed in 1750, it was not difficult to imagine that it was that very abstract view which caused the failure of the measure alluded to. The hon. and learned gentleman seemed resolutely disposed to prefer an abstract to a practical view of this important subject. But what was the result of that course of proceedings in 1770? The hon. and learned gentleman had not shown that it led to any permanent amelioration of our criminal code. In fact, if the hon. and learned gentleman had meant to disprove all that he had antecedently said, he could not have adopted a better or more effective mode than by referring to the precedents of 1750 and 1770. The hon. and learned gentleman must permit him to say, that modern times might have furnished him with more effective precedents. If that House meant to do any thing in this most grave and most important business, if they meant to devise, seriously, a secondary punishment to be substituted for death, he conjured them to banish every thing like abstract and visionary reasoning. The hon. and learned gentleman had mentioned a late hon. and learned member, who brought to this discussion legal talents, to be rivalled only by the humanity of his intentions, and the zeal with which he had pushed his exertions in the cause. But of all the measure which that hon. and learned individual projected, only one ever received the sanction of the other House. Had those bills devised that species of secondary punishment to which he (lord C.) had alluded, and whose operation might produce effects equally salutary with the terror occasioned by the infliction of the capital penalty, it was most probable that few of them would have miscarried in the upper House. He was most anxious that the House should proceed on practical, not on abstract principles; that they should not separate the theory from the practice of the law. He could not concur with the hon. and learned gentleman in some of his reasonings; such as that the present state of the law tended to encourage offences, and that the House ought to accelerate their proceedings, from a fear of that censure which he thought likely to be the result of their proceedings. The late sir S. Romilly submitted a bill to that House for the purpose of taking away the punishment of

death for stealing privately from the person, and to make it a transportable offence. What result ensued? Was it such as to recommend the hasty adoption of any similar proposition? He would beg leave to refer to the returns. The bill passed into a law 4 years ago. As far as he had been able, he had examined the progress of that offence for the last 10 years, which was the best criterion at all times of the effect of legislation; and he found that, so far from its having diminished in frequency, the increase was enormous. By the returns for the last ten years, it appeared, that the number of persons charged with and convicted of that crime had increased in a greater ratio than the number of those charged with and convicted of any other crime. There were charged with that crime, in 1810, 136; in 1811, 194; in 1812, 224; in 1813, 272; in 1814, 311; in 1815, 277; in 1816, 402; in 1817, 507; and in 1818, 531. There were convicted of that crime, in 1810, 64; in 1811, 83; in 1812, 78; in 1813, 135; in 1814, 167; in 1815, 131; in 1816, 234; in 1817, 257; and in 1818, 262. It appeared, therefore, that the new measure had had no practical result; but that the particular crime in question had increased in the period of the last ten years, in the proportion of between four and five to one. The argument therefore that the operation of laws which denounced the heaviest punishment was to increase the crime they were intended to prevent, was not founded on fact. This, he admitted, was not to induce parliament not to entertain inquiry into the state of the criminal law, for the purpose of repealing the more severe parts of it, but it would tend to show the House how cautiously they should proceed, and how necessary it was to take a full, fair, and comprehensive view of the question. The hon. and learned gentleman had asked, when he solicited the House to adopt his committee for an inquiry into particular punishments and the increase of crimes, what business had it to inquire into the subjects of transportation and secondary punishments? It would have every business in the world to do so. If it did not do that, it would do nothing; unless the inquiry proposed by the hon. and learned gentleman were to be extended to the nature of the secondary punishments, it must be unsatisfactory; for of the 13,000 criminals with which our gaols were annually crowded, no less than 10,000 were of the class to which those punishments were applicable. If the legislature were to take away the terror of the capital punishment, and substitute no secondary penalty, the influence of which might deter offenders, the whole object of law would be defeated, and the repression of crime would become more precarious than ever. Such an experiment would in the present state of the country be attended with peculiar danger. With respect to the penalties attached to burglary, robbery, &c. the hon. and learned gentleman had not called in question the law on those subjects; viz. that the punishment might be modified accordingly as the circumstances were of an aggravated or extenuated character: he had thought it better to leave the manner of its execution to that spirit of mercy and mitigation which distinguished the administration of a code of laws necessarily severe. The hon. and learned gentleman had stated one circumstance which it was necessary to notice; he had informed the House that by the present laws, no less than 200 felonies were capital offences. He really did not think there had been so many; but would offer a few words on that point which might not be deemed irrelevant. With respect to those which the hon. and learned member had described to be of a fantastical character, he could only say, that many of the laws on our statute books were obsolete, but why they were so it was not material now to inquire. The hon. and learned gentleman had particularized one statute, called "the Black Act," which related to "offences committed in black faces," as being a *masquerade* statute; but the fact was, that from the local circumstances attached to the commission of those depredations which that law went to curb, no character could be more descriptive of the deperadoes who were the objects of its enactments than that involved in the title of the act. All those statutes might certainly be fit subjects of inquiry at some time or another, but surely their absolute and immediate removal from the statute book was not a matter of important and urgent necessity. If the suppression of crime were the real object of the House, surely the consideration of obsolete statutes ought not to occupy their immediate attention. With respect to the nature of other offences alluded to by the hon. and learned gentleman, such as larceny embezzlement, &c. their consideration was un-

doubtedly of the first importance. But if ever there was a necessity of connecting the discussion of the offence with that of the punishment, it existed in regard to those cases. Surely it was most important to know the history of crime, before they proceeded to legislate upon its penalties; and those two objects, he must strenuously contend, ought to be confided to the same committee. If the hon. and learned gentleman's arguments were as conclusive as they appeared to him to be otherwise, each branch of the question, the practical and the abstract, ought to go to a committee; but even in that case the former ought to precede the latter; the substitute should be considered before the alteration. It had been stated that he had not entered into a formal view or disclosure of his own intentions on the subject. He had however said as much upon it as he was prepared to do; and had expressed his readiness to entertain any proposition compatible with what he sincerely believed to be necessary for the protection of life and property in the country. He certainly was not desirous of seeing any change in the primary laws of the kingdom, unless that change operated to the improvement of morals, and to the diminution of crime. But he contended that the whole inquiry should be carried on by the same persons, and not dispersed among various hands, the result of which would necessarily be partial and limited. Undoubtedly it was desirable that the inquiry should go on as fast as possible; but it was still more desirable that it should be a complete inquiry. The fault of many similar investigations had been, that gentlemen were more anxious to receive the reports of committees, than to embrace the general relations of the subject, and arrive at a satisfactory result. Every body was anxious for an inquiry into this subject; but he was solicitous for such an inquiry, as, while it achieved that which was its direct object, should also protect property and life by a regulation of minor punishments. Nor did he think such an inquiry must necessarily be one of very extensive duration. He could not persuade himself that the inquiries of the committee appointed last night would occupy a great extent of time. He did not think they ought to charge themselves, for instance, with an examination into the classification and management of prisoners, and into the state of every gaol in the kingdom, but on the contrary, he thought they should look at the subject in a larger point of view, for the purpose of establishing general principles to be acted on either by the crown or by the legislature, in the appointment of persons whose habits rendered them better qualified for the requisite investigation. So with respect to the secondary punishments, no immediate parliamentary inquiry appeared to him to be necessary, either as to the hulks, or to Botany Bay. The House ought to look at the question largely, as statesmen, and endeavour to ascertain what alteration in the general character of those punishments, was likely to be beneficial. He saw no reason why all this might not be satisfactorily accomplished in the present, or at farthest, in the next session. There might be matter for minute inquiry, subsequently to the great consideration of the general question, but separate committees to examine such subjects might easily be appointed, and work the question by their co-operation into as enlarged a state as might be desirable. The House would decide between the two courses. He felt it his duty to move the previous question on the motion made by the hon. and learned gentleman, not from any wish to oppose him, not from any disposition to throw obstacles in the way of inquiry, not to impede the progress of what he felt was a common cause, but because he conceived the adoption of the hon. and learned gentleman's views would tend to separate the inquiry into the state of the criminal law, from the inquiry into the nature of punishments, thus defeating the united consideration of such important and concomitant topics; and because therefore he thought the appointment of the committee of last night was the step most calculated to lead to advantageous results.

Mr. *Fowell Buxton* rose and said:

Mr. Speaker:—As one of the Committee on Prisons, which was nominated yesterday, and as one who feels a sincere desire, that the Committee may discharge its duty to this House, and to the country, I will state why I think that the subject of Criminal Laws ought not to devolve upon it, and the reason is very simple: it is, because I am sure, that all the zeal of its members—all their ability, and all their time will be wanting to execute those duties which have already been entrusted to them; and think the House will concur in this opinion, when it is recollected how much has been already

committed to their care. First, the prisons of England, Scotland, and Ireland. Next, the system by which those prisons are to be improved. Next, the police of Great Britain. Next, transportation. Next, the hulks in the river Thames, and lastly, as the noble lord has just declared, a colony at the Antipodes, to be entirely new modelled. And, as if these subjects, foreign and domestic, practical and theoretical, were too small to engage the comprehensive consideration of this committee, comes forward the noble lord, and proposes to throw in the whole penal law. Persuaded, that without the penal law, there is more than sufficient, but with the penal law there will be more than can be accomplished, I shall endeavour to persuade the House to detach from their inquiries, this distinct but most important subject; and I shall do it by showing, that one source of crime, and a most prolific one, is our criminal laws. I take up those lamentable details of the increase of criminality in this country—the parliamentary returns. I say that offenders are multiplied, and property is insecure, because your law is vicious in principle, and productive of crime in its consequences. I state this distinctly, and expressly addressing myself to the right hon. gentleman opposite, because that gentleman did, on a late occasion, more than hint his vengeance against the man who should presume to hold up this (as he called it), the front of the constitution to reproach. I am not disposed to under-rate the weight with which his indignation will fall on one so little competent to resist or to retort it; but, neither this nor any other consideration, shall induce me to abstain from exposing what I can call by no milder term, than the utter impolicy of our criminal code. But, before I proceed to this, I must say something in reply to two observations of the noble lord. First he states, that out of the 14,000 annual offenders, 10,000 will fall under the notice of the committee proposed by my hon. and learned friend. Now it is clear, that none can so fall, but those who are capitally convicted, and the number of these is 1,302. I need not, therefore, expend much of the time of the House, in convincing the noble lord, that 10,000 cannot be a part, when 1,300 is the total. Another observation of the noble lord, and to which I perceive he attaches considerable importance, is, that this increase of crime originating in the war, is transitory and circumstantial; I maintain, that we have reason to apprehend, that it will prove actual and permanent. I do not deny that war has its operation. One of the evils of a state of warfare is, that it gives to those who are engaged in it, habits of violence, depredation, and even cruelty, which ceasing to be employed against the enemies, are directed against the subjects and citizens of the state. Still, this is by no means an explanation of the increase of criminality which has taken place. From the only records we possess, I take the ten years past, and compare them with ten years similarly circumstanced, at the distance of half a century, each containing seven years of war, and three of peace; and it appears, that in the former period, the number of capital convictions in London and Middlesex were 329, and in the latter 1,402.

To prove the impolicy of our criminal code, I first state, that it is at variance with the old law of England; that our ancestors confined their capital denunciations to a few crimes of great enormity, that we extend ours to a vast multitude and variety of offences. To prove the first part of this, it is only necessary to refer to lord Coke, who says in his third Institute: "pleas of the crown and criminal causes are most of them by act of parliament, and some by common law." And another high legal authority states, that treasons and sacrilege were the only crimes punishable with death by the common law. To prove the second part, viz. that our law displays no such abstinence, I refer to the advocate of that system, Dr. Paley, who says, "that the law of England, by the number of statutes creating capital offences, sweeps into the net every crime which, under any possible circumstances, may meet the punishment of death;" and, indeed, as he confesses in the next page, some crimes, which, by no possible contingency, by no conceivable peculiarity of aggravation, can merit that penalty. Here, then, are two systems precisely the reverse of each other. And this will appear more clear, by observing the march of criminal law in this country. Judge Blackstone states, that one of the most remarkable circumstances to be observed in the Saxon laws is, the extreme paucity of capital punishments. Descending then from common law to statute law, I hold in my hand a list of those offences, which at this moment are capital, in number 223; the first in the reign of

Edward 3rd, and the last in the present century, comprising a period of about 450 years; of these 223, six were enacted in the 150 years from the reign of Edward 3rd, to the death of Henry 7th. In the next 150 years, from the accession of Henry 8th, to the accession of Charles 2nd, thirty were enacted; and in the last 150 years from the accession of Charles 2nd, to the present time, 187.

Or to put it in another point of view,

In the reigns of the Plantagenets ...	4
In the reigns of the Tudors.....	27
In the reigns of the Stuarts.....	36
In the reigns of the House of Brunswick.....	156

Or to make it still stronger—more crimes have been denounced as capital in the reign of his present majesty, than in the reigns of the Plantagenets, the Tudors, and the Stuarts combined.

I think it important to mention these facts, as showing the tenderness with which our ancestors proceeded in capital enactments, as contrasted with the celerity which has characterised their descendants, with that readiness in the legislature, to gratify every petitioner, friendly or hostile, with "a felony without benefit of clergy." Success in all other applications to government, in the time of Mr. Burke, as my hon. and learned friend, has so ludicrously stated, was problematical, but no man retired in disappointment, who only craved the indulgence of a "felony without benefit of clergy."—Important, as proving, that a remarkable tenderness for human life, is the spirit of the British constitution, often violated, indeed, by its monarchs; but still its true spirit, if that spirit may be collected from the declarations and acts of our ancestors. But, important also, as furnishing an answer to a species of calumny, miscalled argument, which has been directed against the proposer of this motion, and those who approve the revision of the penal law, as if it were our purpose to substitute modern invention for the ancient practice of the law of England. Now, I would ask;—this very new theory—this untried innovation—this wild speculation of yesterday; what does it prove to be?—the old law of England! And this ancient venerable fabric, which we wish to overturn.—What is this? an edifice, which has sprung up under our own eyes, to which additions have been made in the memory of every man who hears me, and of which, one third is only so antique as the reign of George 3rd, and nine-tenths posterior to the accession of the Brunswick family. It is a fact, and a very melancholy fact, that there are persons living in this kingdom, at whose birth, the criminal code contained less than sixty capital offences, and who, in the short space permitted to the life of man, have seen that number quadrupled,—who have seen an act pass, making offences capital by the dozen and by the score; and what is worse, bundling up together offences, trivial and atrocious, some nothing short of murder in malignity of intention, and others nothing beyond a civil trespass; I say, bundling this ill sorted and incongruous package, and stamping upon it, "death without benefit of clergy." For instance, within the memory of man, a famous act passed making seventeen offences capital at once, of which one was, wilfully and maliciously shooting at a man; and another was, destroying a rabbit in a warren: of which one was setting fire to a house, exposing its owner and his family to the flames; and another, breaking down the head of a fish-pond. Here they are, and thirteen others, in one paragraph. But you will observe, that this strange annexation of equal penalty, for most unequal offences; this conjunction of acts, between which the difference is as broad and palpable as between night and day; this strange and extravagant generalization, is by no means the product of ancient wisdom, but a creation of our own times.

This brings me to the second point, the first being, you will observe, not a proof, but the strongest of all presumptions against our system, namely, that it is at variance with the old law of England. The next is, that it is at variance with the principles of natural justice. It is a principle which nature has implanted in the heart of man, and which no human law can eradicate—that, as there are distinctions in guilt, so there should be distinctions in the penalties annexed to it. The voice of nature, or to go higher, His word, who created nature, has denounced death against the murderer! "Whoso sheddeth man's blood, by man shall his blood be shed." Here is clear, explicit authority, and here the public recognise an act of natural justice; but if on the same scaffold, and exposed to the same extremity, stands a wretch, who has committed a crime actually not atrocious, and comparatively most venial; where in the divine law will you find the warrant?

and where in the feelings of mankind, will you find the approval of his execution? Public feeling always speaks on these occasions. I state not what I imagine, but what has happened in this city very lately. When the murderer is brought forth, there is approbation; silent indeed, because, miscreant as he is, his distress forbids the insult of a triumph, but still, approbation marked and expressive. But when another is produced on a future day, but on the same scaffold, who has been convicted of some lesser offence, forgery for instance, he is received in another manner, and commiserated with other feelings; and when the drop falls, which violently expels him from life, a cry spontaneously rises of—murder! They charge the law with murder. And, as I think justly, temperately, and truly —they express my feelings at least, for I deny the justice of that warrant—I impeach the equity of that sentence; I acknowledge, that legislators may determine upon property and possessions, and ten thousand other circumstances; but life is sacred, and may not be invaded, without the express permission of Him who gave it; and to send an imperishable soul, unprepared and unrepentant, to a state, perhaps of endless misery, for forging a one pound bank note, is, I confess, monstrous in my eyes.

I have not, however, the presumption to suppose, that, in opinions so novel, or, more properly, so antiquated, I shall win the concurrence of many gentlemen. I shall, therefore, content myself with observing, briefly, that affixing the same penalty, and that penalty utter destruction to the murderer, to the forger, to the destroyer of a hop-bine, or of the fence attached to a turnpike-gate, is unjust. *Is it politic?* This is the main point; and I could wish that this question were to be determined by its policy alone. I know that some doubt always hangs on an argument deduced from abstract principles of natural justice; and, in my own case, I must confess, if any gentleman could arise, and say, Your notion, that what is unjust cannot be wise, is specious enough; but facts are against you; and then, in illustration of his sentiments, could take up this return of offenders committed, and triumphantly say, observe now, as our criminal code has increased, criminal acts have decreased; observe, for instance, how few Bank forgeries have been committed in the last year. If he could appeal to our prisons, and elicit an argument from their superfluity of room, and their scarcity of inhabitants; if any man could pretend that we have been sheltered from fraud and robbery, by the wholesome rigour of our laws; if, in fact, in answer to my argument against the justice of the system, such demonstrations of its policy could be adduced, I confess I have not that confidence in any abstract principle which would induce me to uphold my opinion; but, unfortunately, an appeal to each of these sources of information only proves that the accumulation of criminal law is paralleled by as rapid an accumulation of criminality. As to its *policy*, then, permit me to state the line of proof I mean to adopt. The subject is a wide one. I have endeavoured to consider it in all its branches; but it is not my intention to distress the courtesy of the House by leading it through that extensive circuit. Some part of my case I must abandon. I mean, therefore, to abstain from reasoning and discussion, and to confine myself principally to facts, leaving the House to draw the inferences. What I mean to prove is, that the severity of the law has raised up a power in this country, which annuls and abrogates that law, by favouring the escape of the criminal, and that this hostile force is public opinion.

To form a due estimate of this, gentlemen must remember the peculiar construction of the law of England. In other countries the whole process of prosecution devolves on the Crown. One set of officers paid by the Crown, arrest the offenders; another set of officers search out the evidence; a third conduct the prosecution; and a fourth pronounce their verdict: and, as in all this, there is little interference of the public, so there is little necessity for consulting their opinions. But all this is reversed in England. Our whole system of criminal jurisprudence proceeds on the presumption that the law will be aided by the public. Wanting a spy in every house, and a crowd of police officers in every street, and a public prosecutor ever ready to undertake all labour and all expense, the presumption is that these deficiencies will be supplied by the active co-operation of the people. I do not complain of this system; I highly applaud it; it displays the true spirit of liberty, and bespeaks the mutual confidence existing between the legislature and the community: yet, wise as it is, it is strangely deranged, when the public re-

fuse to co-operate. Now, I maintain, that we are arrived at this crisis: the public deny their assistance, and are combined not for the law, but against it.

The public, as prosecutors, feel reluctant at the escape of a criminal, but still more reluctant to be instrumental to his death. Sense of duty, of interests, desire of vengeance, are found to be but feeble motives, when contrasted with the dread they entertain of clouding their days, and burthening their conscience with the blood of a fellow-creature. The public, as witnesses, have an irresistible bias in favour of the prisoner; it is so easy to suppress a few facts, and to take off the edge of others; the presence of the criminal, whose life hangs upon your interpretation of a fact, and the supposed injustice of the law, plead so powerfully in his favour, that to expect that witnesses will tell the truth, and the whole truth, is to expect more than human nature will ever perform. The same may be said of juries, of judges too, and of the advisers of the Crown. Do I join in the cry against these latter gentlemen as if they were sanguinary, and thirsting for human blood? It would ill become one who has, upon more than one occasion, ventured to intrude upon them, to state some minute fact, or some weak argument, which might tend to the advantage of a condemned felon; and who has ever found them not indifferent, not thirsting for human blood, but most anxiously desirous to discover any fact, however inconsiderable, which might possibly tend to justify a mitigation of the sentence. I willingly bear this merited testimony; but what does it amount to? That we, the people of England, who pride ourselves upon nothing so much as that we are governed not by will, but by law; that we are protected from the rigour of our own law by the interference of the ministers of the Crown. I say, then, that while the law presumes upon the voluntary service of the community, and casts the major part of the burthen upon it, the severity of the law enlists every man in favour of the prisoner. I judge by the conversation, and I judge by the conduct of prosecutors, witnesses, and jurymen, that they are desirous to facilitate the escape of the guilty; and will not the experience of every gentleman bear me out, when I maintain that a secret pleasure is felt, nay, very commonly, an avowed satisfaction is expressed, at the acquittal of a man notoriously guilty: no matter by what quirk of law—no matter by what misinterpretation of facts—no matter by what collusive suppression of evidence—no matter by what violation of oath—the prisoner escapes, and the whole Court rejoice: judge, counsel, prosecutors, witnesses, spectators, all rejoice that the law has been defrauded of its victim. Let all this be considered as mere assertion; I ask no more. Now, I will prove it. First, as to prosecutors. Every man, who knows any thing of mercantile affairs, knows how many fraudulent bankruptcies take place. It was proved before a committee of this House, that there are persons in London who make a trade of proving false debts; it was stated by very high authority, that the majority of commissions of bankruptcies may be considered as conspiracies to defraud the fair creditor. Here, then, is a sufficiency of crime: how is it punished? Not at all. I hold in my hand an account of the persons committed to prison for the last seven years, and I cannot find the name of one fraudulent bankrupt; and what is the cause of such unmerited impunity? Your committee say, "because the law is so severe, and so repugnant to the common sentiment of mankind, that it becomes totally inefficient in its operation." Here, then, is a crime not difficult of proof, of extreme injury to trade when committed, committed daily, and brought home to the severity of the law. Am I not justified in saying, that the preposterous rigour of that law has screened ten thousand delinquents from public justice? The law, by declaring that this crime shall be punished with death, has declared that it shall not be punished at all. The bow has been bent till it has snapped asunder. That act, which was intended to prevent the evil, has proved an act of indemnity and free pardon to the fraudulent bankrupt, and an act of ruin and destruction to many a fair trader. I hope that gentlemen, who are sure that severity does not produce crime, will do me the favour to afford me an answer to this fact.

Again, every mercantile man, during the past year, has heard of numerous instances of forgery on individuals; in fact, whoever has mixed at all with society, or has read the public papers, cannot fail to recollect some acts of this description. How happens it, that a crime so frequent in the city, is so rarely discussed at the Old Bailey? I hold in my hand a statement of the number of persons committed to

prison in London and Middlesex during the last year, and it appears that two only have been sent there for forgery on individuals. How happens it, I repeat, that the crime is so frequent, and the committals for it so rare? Facts shall explain the difficulty. A friend of mine in Lombard-street received a visit from a gentleman, who told him, that he had just detected a forgery on himself, had seized the culprit, and had released him, because he could not endure the idea of having him executed. He had hardly left my friend's counting-house before another gentleman entered; he had also that day discovered a forgery. He said, the author of it is, to my certain knowledge, in this street, and there he may remain, for I will not hang him. I mention these two gentlemen with the more confidence, because they stand in the very first rank of mercantile men: perhaps there are not in Europe ten men with the same extent of pecuniary transactions, and, therefore, there are not ten men so deeply interested in the detection and punishment of forgery; nevertheless, both the culprits are at this moment at liberty, and would as certainly have been at this moment in gaol, if the penalty of their offence had been any thing short of death.

Again, a friend of mine, a country banker, had a forgery committed on him. Now, this is a very serious thing to a country banker; it impairs his credit: he, therefore, ostensibly took every measure to bring the delinquent to justice. A customer of his, who had received considerable favours from him, came to him, and said, I have now an opportunity of repaying all your kindness to me; I have discovered the retreat of the forger: come with me, and he shall be in your custody in twenty-four hours. After some deliberation, my friend replied, You have, indeed, an opportunity of repaying all my supposed liberality to you; and you will do so, by concealing from me, and from every other human being, the retreat of this villain; for, to tell you the truth, I will not hang him. A short time ago, I began to make a collection of facts of this kind. The first person to whom I applied mentioned one; the next four; the next between forty and fifty, that had come within his own recognizance; I then applied to my honourable friend, who sits in the seat above, the member for London, who assures me, that during the two years in which he was chief magistrate of the metropolis, the cases of this sort which came before him were innumerable. Now, I put it to the House, whether the facts that I have stated, the rarity of prosecutions, in cases of forgery on individuals, and the utter impunity of tens of thousands of fraudulent bankrupts, do not warrant this conclusion—that, in nine cases out of ten, where a crime not very heinous in itself is capital by law, prosecutors abstain from prosecuting? I shall have occasion again to revert to this supposition, and, therefore, I am anxious that the House should now determine whether they do or do not concur with me. With respect to witnesses, the facts I have collected are not very striking. I, indeed, did know a case, in which a witness took care to absent himself; and the reason he gave me was, that he was not disposed to assist in hanging a man. In another case, the witnesses in a body went down to the court; in a body they retired to a private room, and there they remained, no one knowing their hiding-place, till the prisoner was acquitted. But I will not fatigue the House with any further facts relative to witnesses, but hasten to a more important subject.

With respect to juries, cardinal Wolsey observed, of the juries of his day, that they were so addicted to blood, that they would find Abel guilty of the murder of Cain. If such was then their character, it has since undergone a very great, and surely a very salutary change; for, at this moment, a capital conviction, excepting in cases of atrocity, is seldom procured without difficulty. For instance: two men were tried at the Old Bailey last autumn—the evidence was demonstration. To say that no one doubted their guilt, is to speak too favourably of the prisoners: no one entertained the shadow of a suspicion of the possibility of their innocence; they were, however, acquitted: but, when the next day a man was indicted for the same offence, but on the minor charge, the jury upon the same, or as nearly as possible the same evidence, found him guilty without leaving the box.

A man, whose memory must have been recalled to us by the discussion of this night, and to whom so feeling a tribute has been paid by my hon. and learned friend, and whose fate, a subject of unaffected grief to all who can love private worth and honour public merit, is doubly deplorable to those who want his aid in this cause; for to him may be applied the

simple inscription placed by the Carthaginians on the tomb of Hannibal: "We lament him at all times, but vehemently do we desire him in the day of battle."—This gentleman mentioned the case of a jury who found, by their verdict, that two bills of exchange, value 10*l.* each, and eight Bank notes, value 10*l.* each, were worth but thirty-nine shillings; that is, they declare, as they hope for salvation, so help them God, that, to the best of their belief, one hundred is less than two. This fact speaks conviction. Is it not evident, that a conflict has been excited in their minds between the sanctity of an oath, and the superior sacredness of human life, and that the latter has prevailed? I refer the House to the following case given by Mr. Grose. A man swore, that going to bed in his own house, he wound up his watch, put it into his breeches pocket, put his breeches under his pillow, and went to sleep. During the night, a thief got privately into the house, stole the watch, and was detected in pawning it. The jury found the thief, a very young lad, guilty of stealing, but not in the dwelling-house. To make common sense of this verdict, as the commentator observes, the breeches must have conveyed themselves out of the house, and their motive must have been a desire to be robbed. Having succeeded in a wish so natural to a pair of breeches, they must have returned, re-entered the room, and replaced themselves under the pillow; and there their master found them the next morning, without once suspecting their midnight truancy.

Let me ask one plain question: is it not better that the law should be altered, than that it should be subjected to these evasions, which would be laughable enough, if merriment were not repressed by the recollection of the perjury they include, and perjury too, where perjury inflicts an incurable wound; for I say, not that the integrity of juries is a point of importance, but that it is the point on which all depends, the only security we hold for our possessions, our liberties, our lives. And gentlemen will agree with me, that this is too delicate to be sported with, when they recollect the condition of England at that time, when juries lost their integrity. I refer to the reign of Charles 2d. First, the conscience of juries was in the keeping of the popular party: hence, the Popish plot, detestable as it was then called by its advocates, and detestable as it has ever been called by all posterity. Soon after, the conscience of juries was under the direction of the Crown, and hence the death of Sidney and of Russell.—Surely, it is a matter of religious awe that the Deity should be thus formally invoked to witness wilful perjuries; and, descending from this guilt to its consequences, it is no common cause for political alarm, and well worthy the consideration of a British parliament, that the faith of our guardians should be exposed to temptation; and that temptation the more insidious, because its origin is a sense of justice and a love of mercy.

It may, however, be contended, that the facts to which I have referred prove that juries have, in some instances, given verdicts contrary to their oath; but not that this has been done to any great extent. I maintain, that this reluctance to convict is general, and I can prove it by documents on your table. During last session, a paper was presented to this House, stating the number of persons committed to prison, and the number of these who were acquitted and convicted. By separating those offences which are capital from those otherwise punishable, I find this very curious result—In capital cases, one man in every three is acquitted; in cases not capital, only one man in every five is acquitted: that is, there is one acquittal for two convictions in capital cases, and one acquittal for four convictions in cases not capital. In short, therefore, the proportion of acquittals in capital cases is nearly double what it is in cases not capital. I take another instance. I hold in my hand a list of persons prosecuted for forgery on the Bank, during the last twenty-one years. The law during that time has undergone a great change; during the first seven years, almost all tried were tried on the capital charge; during the last seven years, three-fourths have been indicted for the minor offence. The law, then, being substantially mitigated, if my principles be true, it ought to follow, that with the decrease of the punishment, there is an increase of certainty of conviction. And so it is. During the first seven years, one in three were acquitted; during the last seven years, one in eight. But, without taking advantage of this illustration, I revert to the fact deducible from the returns of all persons committed in England and Wales; viz. that the pro-

babilities of conviction are twice as great in cases not capital as in cases which are by law punishable with death.

Now for the application of these facts. You will observe, that every criminal has certain natural chances of escape. He commits a felony; that felony may never be discovered; if discovered, he may not be suspected as its author; if suspected, proof may be wanting; proof being supplied, he may not be apprehended. These are natural chances in favour of the criminal: they must be calculated at something; but, whether that something be two to one, or two hundred to one, in favour of the criminal, is a matter of indifference to my argument. I will put them at that to which I think they most nearly approach, viz. five to one. But I have proved that it is highly probable that the reluctance to prosecute augments his natural chances of escape ten to one; that is, what was by nature five to one, becomes fifty to one. I have proved, that the reluctance of juries to convict in capital cases, doubles these chances; so we have arrived at one hundred to one in favour of the criminal that he will not be capitally convicted. Being capitally convicted, what are his chances against execution? Government has saved me the trouble of calculating this. It appears, that if a criminal be capitally convicted, it is ten to one he will not be executed; so that we are arrived at this—it is five to one he will not be detected, fifty to one he will not be prosecuted, one hundred to one he will not be convicted, and one thousand to one that the sentence pronounced by the law will never be carried into effect.

Gentlemen will naturally startle at so extraordinary a result. I confess, I did so myself, when I first considered the subject. I distrusted premises which led to so strange a conclusion. I thought they proved too much: nevertheless that conclusion is true, and true to a mathematical demonstration.

In the majority of criminal cases, we know the whole numbers of persons imprisoned, convicted, and executed; but we do not know the whole numbers of crimes of that description committed. Evidently, therefore, wanting this material fact, we cannot arrive at any certain comparison. But there is one species of capital offence in this country in which we have the precise number of crimes perpetrated, as well as the number of persons prosecuted, convicted, and executed. It appears by the return presented to this House last year, that in the year 1817, 31,180 forged Bank notes were presented for payment at the Bank. They must then have been issued; that is, 31,180 capital offences were committed. By another paper it appears that 142 persons were prosecuted; that 62 were capitally convicted, and 14 executed. That is, it is 212 to 1 that a man committing this species of capital offence will not be prosecuted; 500 to 1 he will not be capitally convicted, and 2,220 to 1 he will not be executed. I entreat the attention of the House to this; it is indisputable; the premises are parliamentary documents, and the deduction is true if there be truth in arithmetic.

And, Sir, as the fact is certain, so is it of the highest importance. It has been a matter of wonder to many wise men, that the people of England, the most moral and religious people on the face of the globe, are at the same time the nation in which crime appears to be the most prevalent. I put my finger on the fact I have stated, and I say here is in some measure the cause; it is the doubtfulness of punishment, it is the extreme uncertainty of the law, generated by its extreme severity, which operates as a powerful temptation and inducement to crime.

Observe again, Sir, how this fact unveils the weakness of an argument strongly insisted on by a high authority in this country. It has been said, "Tell a youth who meditates an act of criminality, that for such an offence he may be transported, this motive will have a certain effect; but, tell him that he may be hanged, and if not hanged, he may still be transported, and the effect will be greater, because the dread of transportation remaining in one case as strong as in the other, you have in the latter all the benefit of that apprehension which arises from the possibility of death." The error of this argument is the assumption of a fact, viz. that you gain this benefit, and pay no equivalent for it. Now, I have proved that you do pay a price, and a very heavy one—a vast augmentation of the chances of escape.

Now, let us consider for a moment, the effect of this increased uncertainty on the mind of the criminal. I know it is very difficult to explore the recesses of the human heart, and to detect the motives which

operate on human conduct; especially, it is difficult, with a class of persons who stand peculiar and distinct from the rest of mankind—who have rejected the law of reason and virtue, and have yielded themselves implicitly to the guidance of passion and of impulse. Yet, creatures of excess as they are, they have a character, as they have a language, of their own; and the most marked feature of their character is a love of hazard. They live upon risks; their daily bread is procured by adventure; their whole life is one continued game of hazard. Every exploit of robbing has its chances; a spirit of gambling leads them to crime; a spirit of gambling accompanies them in it. It is notorious to all who know any thing of the haunts of depredators, that what is acquired by one series of chances at one time, furnishes a supply for a different series of chances at another; that what is a gang of pickpockets now, is a club of gamblers presently; and cards and dice consume what is obtained by fraud or rapine. Is it expedient that this lust for play should be encouraged by our penal code?—and encouraged it surely is. The punishment, indeed, is nominally greater, but the chances of escape are also greater; that is, more of hazard, more of adventure, more of speculation, are introduced, and our criminal law becomes a species of inverted lottery, in which (calling detection a blank, and escape a prize) the prizes are much augmented, and the blanks much diminished in number.

It has been asserted, that executions produce a great effect, but that the effect cannot be calculated precisely. I meet this by direct contradiction, contending, that the effect is small, and may be calculated; it may be calculated by any one who will expose his feelings to the pain of witnessing a public execution. There he will see how little solemnity, and how little seriousness, accompany this awful exercise of power. Sir, it is notorious, that executions very rarely take place without being the occasion on which new crimes are committed. At the very last, a pickpocket was apprehended. On being asked by the chaplain of Newgate, how he could venture on such a deed at such a time? he very frankly replied, that executions were the best harvest that he and his associates had; for, "when the eyes of the spectators are fixed above, their pockets below are unprotected."

But what is the effect within the prison? This may be calculated more nicely. And here I refer to the testimony of a lady, who has been so happily called by my hon. friend, the member for Shrewsbury, the glory and opprobrium of her country. My near relationship to that amiable and benevolent female, and still more the certain knowledge I possess, that her ardent desire is to do the greatest possible good with the least possible personal celebrity, forbid me to become her panegyrist; but I must state the result of her experience. She told me, that in her early visits to Newgate, she had formed no opinion upon capital punishments; but that her intercourse with the prisoners had led to a decided conviction, on her part, of their evil tendency. The language always is, she stated, as soon as an execution is over, "Well, we cannot pity him now, he is gone to heaven!" For their persuasion is, that this act of severity obliterates and atones for every former misdeed; and thus the minds of the prisoners are hardened by the reflection that the pain is short, and the supposed reward is permanent.

But what is the effect on the minds of the accomplices without? This may be calculated. A boy was lately ordered for execution, for snatching a watch from a person at a funeral in Whitechapel. Two friends of mine, conceiving that he was innocent of the alleged crime, had the courage to go to the house frequented by the gang to which he belonged; there my friends found, two days previous to the execution of their comrade, the gang assembled, engaged in drinking, gaming, and licentious conversation. The lad was executed on the Tuesday; on the Wednesday night, my friends had the boldness to revisit this haunt of villany, for the purpose of endeavouring to persuade some of these wretched beings to abandon their evil course of life; again the gang were assembled. After the lapse of a week, these gentlemen again returned on their mission of true humanity; the gang were assembled, engaged as before in gaming and drunkenness, and in plotting future robberies. This appears at least to have been the case; for two days after, thirteen of their number were apprehended, for crimes committed subsequent to the execution of their companion. And what became of the remainder of the gang? Another funeral, largely attended, took place in Whitechapel, and there the remainder of the band were recognized by a person who knew them well, actively engaged in their abandoned vocation. Such was the

effect of this severe example.—Again, an Irishman was executed in this city, for selling forged bank-notes, and his body was delivered to his wife and friends. One cannot but feel some pity for those, who, at that period of dreariness and desolation which always succeeds an awful tragedy, were paying the last duties to their departed associate. And, indeed, they deserved the compassion of this House; for this desolate widow, and these mourning friends, were seized in the room, and round the bed on which the breathless body was laid, they were seized in the act of selling forged bank-notes!

In conclusion, we are charged with theoretical innovation. Do we rest our cause on any theoretical principles? We defend ourselves by saying, that the principles we maintain, are principles of the old law of England. We appeal to experience, to the practical observations of practical men, to the merchant, and the manufacturer; they tell you, that the severity which was intended to protect their property, exposes that property to invasion. This was the language of the linen bleachers of your own committee on bankrupts—this is the language of those petitions which crowd your table, of the corporation of London—men, who can hardly be charged with fine-wrought fanciful theory—men who have never been suspected of a taste for the delusions of ingenious speculation—men, if there be such in the world, of solid, practical experience. Nay, I appeal to the experience of every gentleman who hears me, has he not seen, or has he not found, in the management of his children, of his household, of his servants, of his labourers, that a system of severe threats and lax execution, is as inoperative, in fact, as it is contemptible in principle. Yet, this system is the law of England at this moment. The principle, on which it is founded, is, that severe denunciations are more effectual in the repression of crime, than penalties milder but more certain. The principle of law may be false, and if it be false, we are reaping the harvest of that error. The gradual but progressive increase of crime, the annual addition of some thousands to our catalogue of criminals, the insecurity of property, and the demoralization of the people, are the fruits of that fatal error. There lives not a man in this kingdom, who is not interested in ascertaining, whether the principle be true or false. I do not pretend to say, the facts I have stated demonstrate the fallacy of that principle; but I do say, that they make it very questionable. And, surely, it is the part of a wise nation to subject a questionable principle of such infinite importance, to that criterion, which alone can detect error, and discover truth—I mean the criterion of inquiry, of investigation, of experience—the criterion of facts. I hope, at least, I have convinced the House, that something must be done. Crime has so increased, as to render property of all kinds insecure. The whole country cry out for a remedy. Something must be done! We must go forward in our system of terror; and, finding death insufficient, we must recall the rack, the screw, the crucifix, and the other implements of torture! But who would approve of this? Or we may do what I consider much more barbarous; we may carry our present law into execution, and consign every man, against whom the law denounces death, to the hands of the executioner. Happily, however, the execution of the law depends on the co-operation of the public, and the public would not bear such an audacious violation of natural justice. I know enough of the people of England, to know, that the declaration of such an intention would alienate every prosecutor—every witness—every juryman in the kingdom. I question, whether you would find men to fill the bench, to assist in such illegal massacres. And, if any man of honour and humanity did take that office, he would insensibly find, that his duty was to exercise his ingenuity in thwarting the law, and evading its denunciations. But there is another expedient: we may submit the whole subject to calm, deliberate, dispassionate investigation. But how? by a committee, already overburdened with arduous duties, or a committee directing to this single subject, its undistracted attention. The House must this night, choose between these. For myself, because I prefer an immediate to a remote inquiry; because I am sure, that it is beyond the capacity, physical and intellectual, of any committee, to grapple with subjects so various and so vast, as those which are consigned to the gaol-committee; because I am sure, that any delay in the revision of our criminal law, is a national calamity;—I shall vote for the motion of my hon. and learned friend.

Mr. *Courtenay* was of opinion, that the only difference which subsisted between the motion of his hon. and learned friend and that of the noble lord, was the mode

in which the inquiry ought to be carried on. He had heard with pleasure the excellent speech made by his hon. and learned friend, which contained so much information; and he considered, although it might be presumptuous in him to entertain any doubts, that a few of the conclusions which he had drawn were not correct. The course pursued by his hon. and learned friend was, to direct the House to an investigation of some of the principal points in the criminal law, but not to an examination of the whole. The country could not properly be said to have a criminal code, for the laws respecting criminals were not enacted at one period, but as occasion required. The opinions which were said to be entertained by a highly respected gentleman, now no more, were similar to his own, for in most of the divisions on the subjects brought by him before the House, he had voted with him. He was convinced that there were many points where capital punishment ought to be removed. If he understood the object of the present motion, it was, that the consideration of the question in its largest extent being too much for one committee, a particular part of it should be submitted to the consideration of a committee to be appointed by the House. He agreed that but little delay ought to take place before the investigation. Besides the present subject which required examination, there was another connected with it, which he hoped would be revised by the House during the present session; he meant the Bankrupt laws. If an individual under the present laws concealed part of his property, or refused to surrender himself to the commission issued against him, he was liable to be tried on a capital charge. He thought that neither the committee proposed by the noble lord, nor that now moved for by his hon. and learned friend, could properly consider this question in the extended view he took of it. He was of opinion, that the House having received so much information from the documents laid before it, and from the hon. members, particularly the hon. member who spoke last, the wisest mode would be to apply a remedy to each particular evil, without any reference to committees. On these grounds, he should resist the motion of his hon. and learned friend.

Mr. *Lawson* spoke for nearly half an hour; but the cry of "Question! question!" and "Bar! bar!" together with almost incessant coughing, prevented him from being heard in the gallery. We understood, that he opposed the motion.

Sir *Charles Mordaunt* thought the subject before the House of such high importance as to require the undivided attention of one committee; and that it ought not to be referred to that little family of committees which, they were told, were to branch out of the committee of the noble lord. He was convinced that it would be hopeless to look for any satisfactory report from any committee that was not exclusively occupied with this important and complicated question.

Mr. *J. Smith* rose chiefly to allude to some cases that had come within his own knowledge, and which showed that the penalties of the crime of forgery were often incurred by persons whom neither the law nor moral justice could have contemplated as fit objects for the extreme punishment of death. He had seen and known boys of fifteen and sixteen years of age, who had committed the crimes of forgery;—boys simple and uneducated, and whose only capacity for the offence consisted in the being able to write, and who were absolutely unacquainted with the consequences, either to themselves or others, of the act which they had been instructed to perpetrate. The hon. member for Weymouth in a speech, which for facts, for argument, and for eloquence, was unanswerable, and which reflected the highest credit on his character (though that indeed required no additional lustre), had been perfectly correct in his reference to fraudulent bankrupts. Instances of the sentence being executed on such offenders were so rare, that they could scarcely be said to have occurred at all; and instances of prosecution were almost as rare. Yet it had appeared in evidence before the bankrupt committee, that no offence was more common or more injurious than that of fraudulent bankruptcy; but that creditors, however aggrieved, could not bring themselves to inflict the punishment of death.

Mr. *E. Littleton* said, he had at first taken a different view of the subject, but the eloquent and argumentative speeches of the hon. and learned mover, and of another hon. gentleman on the same side, had carried such conviction to his mind, that he should act most unconscientiously,

if he did not give his vote for the original motion. Much as he deprecated, in general, any intermeddling with our established laws, yet he could not but see that there were good grounds for an inquiry in the present case; and he could not approve the suggestion of an hon. and learned gentleman below him, that it might be left to the discretion of any individual to bring forward, as occasion might arise, a specific remedy for each specific abuse: the consequence of such a plan would be, that the country might for years go on with a system acknowledged to be faulty, and nothing effectual might be done at last. He gave every credit to the noble lord for his motives in the appointment of his committee; but many sessions, and even some parliaments, might pass away, before such a committee could make such reports as would satisfy the country on all the subjects submitted to its inquiry. It was indeed a committee "de omnibus rebus et de quibusdam aliis."

Mr. *Protheroe* made several strong observations in favour of the original motion; and after stating the general feeling of the country, concluded by exclaiming, "if indeed we are, as we are said to be, the representatives of the people of England, we are bound to give our vote in favour of the original motion."

Mr. *Wilmot* began by saying, that he did not presume to congratulate the House, but he must congratulate himself on the eloquent lesson of moral wisdom which had been read that night from the other side of the House. [Hear, hear.] The hon. and learned mover had well redeemed his pledge, that he would not reflect either on the laws or on the administrators of them. The hon. gentleman then professed his intention of following the speech of the hon. and learned mover point by point, assenting to some of his propositions, and dissenting from others; but the low tone in which he spoke, prevented our hearing distinctly the grounds either of his approbation or disapprobation. He concluded nearly to the following effect:—With respect to the sentencing persons to the hulks as a commutation for the punishment of death, he conceived it to be an extremely erroneous policy, and, in fact, little else than a bonus upon crime. The great and important alteration which he wished to see made was, that amelioration of the law by which the system of secondary punishment might be abolished. That, he conceived, had had the worst effects, in the incentive which it held out to the commission of crime. It was one reason why he thought a committee necessary; and therefore, unless, in the course of the debate, he heard that a separate committee was intended at no distant day, to inquire into the criminal law, he should feel it his duty to support the hon. and learned gentleman's motion; but if he should find, as he expected, that such committee was in contemplation, he would vote for the previous question.

Mr. *Wilberforce* felt that it was almost unnecessary for him to trespass on the attention of the House, after what they had already heard upon this important subject, and he feared that any observations of his, in support of his hon. and learned friend's motion, would weaken the effect of those arguments by which his hon. and learned friend had pressed it upon the House. He could say with truth, that in his long experience of that House, he never had heard a more able address, a more splendid display of profound knowledge of the subject, with such forcible reasoning from the facts which that knowledge had called forth. It was that kind of reasoning which was most calculated to convince—reasoning deduced from facts and from long experience. He not only had derived great pleasure from what he had heard, but also from what he had not heard in the course of the discussion; namely, those arguments, or rather those objections, against alterations of, or inquiry into, old laws and customs, which had been so vehemently urged at former periods. It was a pleasure to him to find that which every man acquainted with life must have seen, that the opinions of prejudice faded before truth, like the dusk before the more perfect light of day. He remembered once to have heard opinions urged against alterations of sanguinary laws, which were urged with as much apparent fear as if the person proposing those alterations were about to introduce the horrors of the French revolution. He had heard opinions at that time which any man would blush to hold at the present day. No such objections were, however, made on this occasion; and the only one to the motion of his hon. and learned friend was, that it would be better to refer the matter to the committee proposed by his noble friend. And here he could not but ex-

press regret at the concluding part of the hon. gentleman's speech who had last addressed the House. He had said, that unless he heard that a particular committee was intended to be appointed in a short time, he would vote for the hon. and learned gentleman's motion. By this, he had admitted the very principle at issue—he had admitted the necessity of a particular inquiry; and if so, how was it that he could not support the motion, which would go directly and immediately to the very point he wished? Why should he prefer the expectation of a committee, when he might have one at the present moment? When there were so many reasons urging to the immediate inquiry? Should it be said, that any one had a respect for the laws who would not wish to wipe from them that code of blood, which, though bearing with it all the authority of legislative enactment, no one had the heart to excuse. Why should not some alteration be made which would take from a jury the painful task which they had so often to perform at present? And yet that could be done by an alteration of the laws. His noble friend had said he would not go into detail on this question. It was also his (Mr. W.'s) intention to abstain from it: that detail would come better in the committee on the gaols. The question of secondary punishments had been decided; there was no difference upon it: if, then, the object was, to aim rather at removing the cause of crime, the examination of our laws, with a view of seeing where the punishment of death could be avoided, might be safely gone into. It had been said that our laws had not been made all at once, but had been the result of gradual legislation. That was the fact; but it argued nothing against his hon. and learned friend's motion. Our penal laws were certainly the result of gradual legislation; because, when a crime was found to exist, it was conceived to be a much easier mode of checking it, to enact a severe statute against it, than to stop and inquire into its cause or to look for a more lenient way of preventing it. It was thought to be a safe way of checking the crime, to fix the penalty of death in the statute-book against its commission. But that this was a most erroneous mode of legislation experience had taught; and it should be recollected now, that this method would not do for those with whom we had to deal. They were persons who were careless as well of this life as of the life to come, and seemed as little to consult that which concerned their lives as their eternal welfare. They looked not to the enormity of the crime, but to the chance of escaping the punishment; and in this gambling with life they were encouraged by the number whom they daily saw condemned to, but who were, with very few exceptions, redeemed from, the highest punishment of the law. Ought, then, the system to be continued which this very principle brought into action? If not, there was the very best reason for a committee. It should be recollected, that by having it as soon as possible, some persons might be saved. He would say to those unfortunate men who calculated upon the chances of comparative impunity—the whole system upon which you have hitherto been treated is stale; it shall be altered; you shall be subjected to a punishment which you dread as much as death itself—to solitude. He did not mean by solitude, that kind of arbitrary and continued solitary confinement, but that kind of confinement where a man would be left to his own reflections, and to a sort of communion with his conscience, which could not fail to point out to him the evils of his former course of life. He remembered very well the mode which was suggested by Mr. Bentham, for whose able opinions on this subject the country was so much indebted; and in speaking of his great merits, he could not omit to notice another gentleman who had also written upon the subject—Mr. Basil Montague. To both those gentlemen the country owed much for what they had written on this subject; and when he found such men, in the present day, supported by such authorities as Sir Thomas More, Erasmus, Bacon, and Lord Coke—when he found all these condemning and describing as extremely erroneous, the system of severe punishment, instead of the mild course of endeavouring to remove the crime—when he heard such opinions from such men, he could not but think, that, instead of being considered hasty in their desire for a committee on this subject, they ought rather to be accused of being tardy in not having called for it before, and that the legislature was to blame in having so long neglected a matter where human life was at stake [Hear, hear.] He begged pardon for taking up so much of the time of the House, but could not avoid ex-

pressing his opinion in favour of his hon. and learned friend's motion, from a conviction of its necessity. He also should express the pleasure he felt that this important question of the criminal laws of England had fallen into the hands of one who was so well qualified to take it up in the able manner in which it had been introduced by a late honourable member, whose loss all must equally lament. The great principle on which the House should proceed was—how far crime might be lessened by making punishment certain. The hon. gentleman then adverted to the means which had been resorted to with success in America, in order to render crimes less frequent, by taking pains to educate the lower orders, and at the same time to lessen those inducements to criminality which abounded so much in this country. He feared that the committee of his noble friend would necessarily omit a great detail on many important points, from the complication of the subjects which it embraced. He would mention New South Wales, for instance, which, in his opinion, was of sufficient importance to demand a separate inquiry.

Mr. *Canning* expressed great satisfaction at the speech of his hon. friend the member for Bramber, which had certainly put the question before the House in a fair point of view. He was happy to say that he concurred in almost every one of the general opinions of his hon. friend, and in none more cordially than in his admiration of the manner in which the question had been introduced by the hon. and learned gentleman (he hoped he would permit him to call him his hon. and learned friend);—whose speech, combining luminous arrangement and powerful argument, with chaste and temperate eloquence, had been at the same time not less commendable for what it omitted, than for what it contained. It had been free from those defects which on such a subject might have beset the most wary speaker; and while his hon. and learned friend had held a straight-forward course towards the object of his motion, he had, with a dexterity highly creditable to his prudence and wisdom, steered clear of the shoals and quicksands by which that object was surrounded. He had observed the most praiseworthy caution in forbearing from reflexions on the general system of the criminal laws; and by so doing he had made it possible, even for those who would most fearfully have shrunk from a sweeping condemnation of the system and from principles of reform of too wide and indefinite operation, to agree with him as to the expediency of some amendment in parts of our criminal jurisprudence.

A question of great importance remained—by what means could such an amendment be best accomplished? And this was the practical question now before the House. He (Mr. Canning) was of opinion, that the inquiry should embrace as comprehensive a view as possible of the state of crimes and punishments in the country: not of capital punishments only, but of crime and punishment generally; and should be conducted in such a manner as might show that the anxiety of parliament was not directed to the mitigation of penalty alone, nor its sympathy awakened only for the guilty, but that it had in view the better security of life and property, and the peace, safety, and comfort, of the well-ordered part of the community. He had been greatly reconciled to the view taken of the subject by his hon. and learned friend, when he found that he was not for expunging, as some benevolent theorists were prepared to do, the punishment of death in all cases. His hon. and learned friend was for allowing it to remain, not only (as nature prescribes) in all cases of murder, but in all cases of forcible attack upon the life or dwelling of man. There were some honourable gentlemen who believed that there was no necessity for the infliction of such an extreme punishment in any case. A visionary speculation, he feared. Would to God that the ideas of crimes which called for such acquittal were visionary also! But where was the nation under the sun that had been able to banish that extreme punishment from its code — at least, unless by the substitution of other most cruel and barbarous inflictions—leading in fact to the same result, though adopted under the pretence of avoiding it? He was glad, therefore, that his hon. and learned friend had not been led astray by the wild theories of an impossible system of mildness. He was glad of it, not because the system was impossible; but because, being impossible, any attempt to attain to it could only have the effect of exciting fruitless expectation, to end in certain disappointment; of throwing loose the opinions and wishes of mankind, and leading them to distrust and disparage the ordinary and existing course of justice in the hope of a substitute which

was not to be found. Into one great branch of penal law it was thus admitted by his hon. and learned friend, that no inquiry was necessary. In proportion as the range of inquiry became circumscribed, the necessity for the appointment of a separate committee must also be diminished. Indeed, as all the elements of the subject were before the House, as no new light could be thrown upon it, as the general propositions respecting crime and punishment had been objects of discussion in every age and every civilized country, he could not see why a committee would be necessary at all, to prepare the House for the introduction of a particular proposition—if any such were in view—for the repeal or alteration of any particular law which, from the alteration of circumstances since the time of its enactment, from the experience of its effects, or from a re-consideration of its policy, his hon. and learned friend might wish to have altered or repealed. Such was the course which the predecessor of his hon. and learned friend (sir S. Romilly) had taken, in his proposed amendments of the criminal law. It had been said, indeed, that those several propositions had failed, sometimes in that House, sometimes in the other House of parliament. In general, however, those propositions had been supported in the House of Commons. It was to him (Mr. Canning) a source of much satisfaction, that he was maintaining no other opinions now than he had formerly maintained on this whole subject; and the House would do him the justice to believe in his sincerity, when he reminded them that he had for the most part supported the motions made by sir Samuel Romilly, both when he (Mr. Canning) was connected and when he was unconnected with government. He had not done so merely by silent votes; the published reports (which were given, in that instance at least, with singular fidelity), showed that he (Mr. Canning) had taken an active part in the debate on one of sir Samuel Romilly's motions; and that his support was given on that occasion on the distinct and expressed ground that the propositions of sir Samuel Romilly were separate and insulated, and that they were not brought forward with that sweeping generality, which if it had not a tendency actually to destroy the institutions of the country, must have the effect of lowering them in the eyes of the nation. It was therefore in perfect consistency with his former recorded opinions, that he (Mr. C.) declared his wish that his hon. and learned friend, if he had (as he must be presumed to have) a clear conception and view of his own practical objects, would rather bring forward the proposal of the changes which he meditated in the criminal laws, each by itself, as applicable to the particular law, than call for a general revision of the whole, with a view (as he himself admitted) to a very partial amendment.

He was not prepared to say at the same time that every instance in which sir Samuel Romilly had succeeded with the House, had in its result been productive of all the benefits anticipated from a change. One attempt in which sir Samuel Romilly had succeeded, both in that and the other House of Parliament, was that by which stealing privately from the person had ceased to be a capital crime. And what was the result? The number of offences, instead of diminishing had since progressively increased. In 1810, the number of convictions for that offence was 64, and it had gradually increased every year until 1818, when it amounted to 282. The argument of the hon. member for Weymouth was, therefore, fallacious when he said, "repeal part of the criminal law, and the number of crimes will diminish." Here part of the criminal law had been repealed, and the consequence had been one increase of crime nearly five-fold. "But," said the advocates for the repeal, "that has been owing to the greater number of prosecutions." He would not say that there was nothing in that argument; but though gentlemen could not avail themselves of both statements, they could not first say that if a penal law were repealed the number of offences would be positively reduced,—and, on the other hand, when after the penal sanction had been taken away, and it had been found that the number of crimes had increased, turn round and say, that prosecutions for offences no longer capital must necessarily be more numerous. The test of fewer offences is the test of their own choosing, and that manifestly fails them. As to the comparison between the operation of the fear of death on the human mind, when the sentence of death is pronounced much more frequently than it is carried into execution, and when capital convictions are less numerous but inva-

riably followed by execution,—he would not pretend to decide. But he might be permitted to doubt, whether that degree of certainty which the proposition presumes, could ever be attained or desirable: whether human wit could devise a system of penal justice, an adoption of punishment to crime, so precise as to warrant or justify the exclusion of the prerogative of mercy. *That* once let in to operate, however rarely, the certainty was at an end; and the probabilities of execution or escape became then only a question of degree. As to those who went still further, and placed the fear of death, however qualified or mitigated by hopes of commutation, below the fear of any smaller but more inevitable punishment,—he could only express his astonishment at any doubt which was entertained that the fear of death was the strongest moral sanction that could be applied to the human mind—that the desire of clinging to life was the strongest instinct of human nature. He begged he might not therefore be understood to say, that the sanction of death ought to be retained where an inferior sanction would be adequate to the purpose. All that he meant to say was, that if the legislature were disposed to do away with the sanction of that extreme punishment, they could not replace it with a sanction of equal obligation;—it did not follow that they might not find a sanction that was sufficient,—and whether such a sanction could be found or no, was in his view the main question, and a question preliminary to the abolition of the sanction already existing. Of these inferior punishments, imprisonment is obviously the most important, and the most susceptible of modifications which may adapt it to several purposes and several degrees of crime.

To examine into the state of gaols with a view not merely to the insuring the safe custody of prisoners, but of effecting their reformation, and thus answering, in some respects, the purpose aimed at by the terror of capital punishments, was the allotted business of a committee already appointed. So far, therefore, the object of his hon. and learned friend's motion was anticipated. If transportation was not at present adequate to the penal purposes for which it was intended, as offering to the offender, in many instances fairer prospects than he could enjoy at home—prospects that are looked at with envy rather than with dread by industrious and enterprising individuals,—that matter too was within the scope of the committee already appointed. Certainly if other places of transportation could be found fit for the purpose in question, there could be no objection against opening the colony of New South Wales, and its beautiful climate, to persons of a different character from those who now enjoy and pollute it. This would form a subject of inquiry in the committee proposed by his noble friend,—in which it was proposed to inquire, not into the state of gaols and into the present mode of transportation, but into the best methods of providing for the punishment and for the reformation of offenders. When such an inquiry had opened the way to the effectual improvement of secondary punishments, then would be the time for entertaining the views of his hon. and learned friend, with respect to the laws by which the highest punishment was inflicted. But until that preliminary inquiry had been entered upon, to agree to his hon. and learned friend's proposition would be considered by the country as a condemnation of the existing penal law;—and that before provision had been made of, any substitute by which outrage could be suppressed, and the peace and good order of society maintained. What, as had been justly observed in the course of this debate, would be the case of a criminal who should suffer death in the interval between the condemnation of the present system, and the establishment of another in its room? "What! punish me," he might exclaim, "by those laws upon which you yourselves have pronounced a sentence of abolition!"

At the same time, while he (Mr. Canning) recommended caution in this proceeding, he was by no means an advocate for such slowness as might place the desired object out of reach. As the hon. member for Weymouth had said, the Committee last night appointed could not examine every gaol in the kingdom. What he presumed would be considered the proper course of proceeding, was, that with the assistance of able and intelligent men (and no man was more fitted to aid such an inquiry than his hon. and learned friend), the committee should obtain such a general knowledge of the state of the gaols, and more particularly of those upon an improved plan, many of which are, to the honour of the local

magistracy, to be found in several parts of the country, where means are adopted for classifying criminals and for effecting reformation; that then the House, with these models before them, should address the Crown to nominate commissioners who should take a practical survey of the gaols throughout the kingdom, in order to ascertain how far they were already or might be rendered, conformable to the most approved models; while those more immediately within reach might be inspected by the Committee itself. Information might thus be procured to satisfy the amiable enthusiasm (he used the expression in its most honourable sense) of the hon. gentleman (Mr. Buxton), who sat below his hon. and learned friend, such as would lay a broad and sound foundation for gradual practical improvement. While these inquiries were pursued by commissioners, the Committee would be at leisure to entertain his hon. and learned friend's propositions respecting the alteration of such parts of the criminal law, as would admit of the substitution of the milder for the extreme sanction. Such was the course which he thought it most eligible to pursue. If the present motion should be carried, he would venture to say, that ere long the House might find it expedient to throw the two committees that might then be pursuing their separate inquiries into one. The general desire on all hands was to uphold due reverence for the laws, but to purge them from impurities,—to free them as much as possible from every stain, but to hold them up in unimpaired reverence to the country, as a protection to the peaceable and orderly, and a terror to evil doers. The House ought not, for the purpose of obtaining a little temporary popularity—even if popularity worth having were so to be obtained—to act contrary to this view of the subject, and to give apparent justification to a cry that was raised out of doors, and which his hon. and learned friend knew as well as he did, was not the unmixed voice of speculative benevolence, anxious for the improvement of human laws as a control upon human passions; but was mingled with a factious and unreasonable clamour which his hon. friend would be as little disposed as himself to countenance, and which it was but fair to add, his hon. and learned friend's speech of that night had not echoed or encouraged.

He only feared, that the carrying of his hon. and learned friend's motion might have an effect which his speech was certainly not calculated to produce; and therefore, feeling convinced that the committee already appointed would go to the necessary inquiry in the temper necessary for the accomplishment of all its objects, with as anxious a sense of the duty imposed on them, and with as much diligence if not ability in the discharge of it, as any that could be now nominated, he must oppose the motion for another committee made by his hon. and learned friend.

Mr. *Scarlett* complimented his hon. and learned friend on the able manner in which he had brought his motion before the House, and observed that he did most heartily and feelingly concur with him in the eulogium which he had so eloquently passed upon a late illustrious member of their body. Had that individual, whom all in common with him deplored, been now alive, he would have had the satisfaction of witnessing the triumph of humanity over prejudice, and of reflecting that he had been the chief instrument, under Providence, in achieving it. In treating upon this topic he scarcely knew how to regulate his feelings; and yet it became him, more than any other individual, to be temperate in his praise, as he had been honoured by the friendship of that excellent man, even from his earliest years. He could say of him that when he first undertook his arduous labours in the cause of humanity, he had given credit to mankind for greater knowledge, liberality, and feeling than he afterwards found them to possess. He could say of him, that the chief object for which he lived was the amendment of the penal code; and he was certain that the hon. and learned mover was acting in a manner most congenial to the wishes of their departed friend, in proposing the present investigation into the state of the penal laws. The principles which that lamented statesman had been the first to propound to the House, though once most vigorously and vehemently disputed, had been that night complimented by men of all parties. The first bill which sir Samuel Romilly had introduced into parliament, contained the remarkable preamble, that the excess of severity did not prevent the commission of crimes. He introduced the bill with that preamble, in order that his sentiments might be recorded in this

sanctuary of legislation; and the consequence of it was, that though the bill was passed, the preamble was rejected. In laying down that principle, he had gone far beyond his age and generation, and it was only by perpetual efforts, by sometimes passing one law in one session and another in another, that he enlightened the public mind and improved the public opinion, to the degree that it was at present enlightened and improved. It was consoling to reflect, that almost the last act of sir S. Romilly's public life was, to get that very preamble passed, which, on its first introduction to the House, had been so rudely rejected; and that he had the satisfaction to see recorded, as the sentiments of the Commons of England, his favourite principle, that excess of severity did not prevent crime. [Loud cheers].—He did not exactly know how to explain the principle on which the right hon. gentleman who spoke last acted; for though he supported the hon. and learned mover's argument in some points, he did not support them in all. He could not help considering it as one of the triumphs of the evening, that they had to boast of the right hon. gentleman as a proselyte, though not so far as to accord with the wishes of the House and the public, which had been expressed in a manner too strong to be mistaken. Their opponents, among whom the right hon. gentleman was to be classed, had first of all disputed the justice of the law which had passed. Then they said that sir S. Romilly's bill did not accord with the expectations which had been raised regarding it. On this point, he was happy to state that they were far from being rightly informed. Nobody, indeed, expected that the crime of privately stealing from the person would immediately be lessened by the new enactments; and yet it would be found that, if the comparative increase of crimes were taken into consideration, it had suffered considerable diminution. For instance, the convictions for privately stealing from the person in 1811, were 85; in 1817, 257; the convictions for burglary in 1811 were 76, and in 1817, 374; from which any person might see, that if the comparative increase of crime were considered, the burglaries had become more, and the private stealings from the person less numerous.—He had not now to contend for the propriety of altering the enactments of certain obsolete laws, as that was universally granted; the question before the House was, which of the two committees was best. He thought that ministers ought not to be now coming to the House with motions for committees to inquire into the state of the gaols, but that they ought, on their own responsibility, long since to have come forward with remedies calculated to remove the evils and miseries which had given rise to such a general complaint. After the circulation of an excellent pamphlet, to which allusion had often been made in the course of the evening, a pamphlet which he had himself read with mingled sensations of pain and pleasure—pleasure, from the talents which its author displayed; pain, from the miseries which he depicted—he was surprised that the noble lord had dared to come down to the House without any specific plans; that he had dealt so completely in generals, and had done nothing else but propose a committee for a purpose so universal. He was still more surprised to find, that the noble lord had added another important subject to the labours of that committee; namely, the state of the criminal law. The prisons were, it was true, connected with the criminal law of the country; but if these two subjects were joined together, it appeared to him that all ideas of classifying the prisoners, all ideas of enacting those rules which would make a prison the school of morality, would be entirely omitted. The continuance of the obsolete punishments enacted by the laws, or of those punishments which, though inflicted by the legislature, were seldom or never inflicted by the executive government, was well worthy of their serious attention, because he had no hesitation in saying that it multiplied in the prisoner's mind, the chances of escape, the chances of mercy, and every other accident on which a culprit could calculate. Let, then, our prisons be the dreadful dungeons which they were represented to be, or the imaginary paradise which they ought not to be, the question remained still the same; and he would therefore ask the House, whether they ought to continue on their statute book those laws which were never executed? The right hon. gentleman had forcibly urged that the repeal of these laws would destroy the apprehension of death; he however differed widely from him in opinion, since the House was not called upon to repeal the terror of death, which was too firmly fixed in the human mind; but the dead letter of the law which was no punishment at all. He

had seen examples, in the course of his practice, in which the prosecutor, the witnesses, the judge, and the jury, had all joined in an amiable conspiracy to screen the delinquent; and therefore, if it was the opinion of the House, that excess of severity did not prevent the commission of crime, he would ask whether it was consonant with the dignity of the House to let the question remain in doubt till another committee should have finished its sittings?—The hon. and learned gentleman then proceeded to argue, that as the grand object of punishment was example, the penal laws ought to form a grand moral code, and that every conviction ought to be a lesson of instruction to those who witnessed it; whereas in ninety-nine cases out of every hundred, the sentence which the judge passed upon the criminal was a mockery of law, a mockery of religion, a mockery of all the best feelings of human nature. He would beg the House to figure to themselves what he and many other individuals in it must have frequently seen—a long line of thirty or forty criminals brought up at the end of an assize to receive sentence of condemnation: the judge might pass sentence of death upon each individually, or upon the whole in the mass, and yet, was there any one of the spectators, nay, was there any one of the criminals, who expected that sweeping condemnation would ever be executed? If, then, the sentence of condemnation had become a mere mockery, it was the duty of the House to make the theory and practice of the law of England to coincide; for if there was any country where the law was mildly administered towards criminals, it was England; and if there was any which was more disgraced by sanguinary enactments than another, it was likewise England. [Loud cheers]. The hon. member for Newcastle had said, that he would vote for his hon. and learned friend's motion, in case the inquiry was a real inquiry, and not set up for delusion: he would take that hon. member at his word, and would congratulate his hon. and learned friend on having obtained the acquisition of his vote to his motion. For his own part, he must declare, that if he had come into the House a perfect stranger to the question, and had heard the hon. member for Weymouth's assertion, that the investigation into the state of the gaols would form sufficient employment for one committee, his mind would have been immediately made up to vote for his hon. and learned friend's motion. The object of that motion was to make the House reacknowledge the principle, that excess of severity did not prevent the commission of crime; he therefore hoped, that when the House considered the importance of the subject, it would not vote for the previous question.

Mr. Alderman *Wood* said, that after the brilliant display of eloquence and sound argument, which the House had that night witnessed, he should have contented himself with a silent vote on this important question, did he not feel it to be a duty which he owed to the corporation of the city of London, who first presented a petition to this House in favour of a revision of the criminal law, to support to the utmost extent of his humble abilities, the motion now before the House. His hon. friend, who stated to the House certain facts, which must have impressed upon the mind of every member the necessity of an immediate inquiry, had alluded to some information received from him (alderman Wood). He assured the House, that scarcely a day passed in the course of the two years, in which he filled a public civic situation, without some persons declining to prosecute, when the offence was held by the law to be capital. One most extraordinary instance occurred in which a prosecutor destroyed a bill of exchange amounting to upwards of 100*l*., because he would not appear against the prisoner, he being charged with forgery. Facts of this nature appeared to him to be strong reasons in favour of an immediate inquiry.—It was most important to consider the present crowded state of the prisons, particularly of Newgate, and especially that part of it, appropriated to prisoners condemned to die. There were now in that department forty-seven criminals capitally convicted, and the fair calculation from the general practice warranted an inference that not more than four of them would suffer the sentence of the law. He need not advert to the other parts of Newgate, which were crowded with convicts; there were now more than 200, and many of these had been confined for upwards of twelve months. This circumstance alone tended to produce an increase of crime; for the men and boys were confined without any bodily or active employment whatsoever. The noble lord had stated last night, that

the increase of prisoners materially arose from the great discharge of sailors from the navy. He begged to state, that out of 350 male prisoners now confined in Newgate, there were only 12 who had served in the navy. In his humble judgment, the only way to prevent or decrease crime was, to fix a definite punishment, and nothing which could be adopted, appeared to him to be equal to the enforcement of hard labour, which would enable the prisoner at the expiration of his imprisonment, to obtain a livelihood. It was on this account that he strongly urged the adoption of a plan, mentioned in the report of a committee laid before the House in the last year: viz. the converting of Dartmoor prison into a receptacle for convicts. They might there be fully employed in cutting stone and turf, in building cottages, and in cultivating the land. This would be a saving to the country of at least 100,000*l.* per annum; and he would further suggest, that every prisoner, at the expiration of his term of punishment, should be sent to his parish, and that he should there be registered, placed under the especial care of the parish officers, employed, maintained, and not allowed to depart without a passport. Much stress had been laid by the noble lord and the right hon. gentleman opposite upon the increase of the crime of privately stealing from the person, since the capital part of the punishment had been taken off. It had been well replied to by the hon. and learned gentlemen who spoke last; viz. that other crimes had increased in a similar proportion. He considered the best answer to this observation was, that previously to the passing of sir S. Romilly's act, all offences of such a nature were capital, and consequently numerous prosecutions were continually abandoned from the humanity of the prosecutor. Under all these circumstances, he felt it his duty to support the motion of his hon. and learned friend.

The *Attorney General* said, that he should not occupy much of the attention of the House. With respect to the assertion that capital punishment should, if possible, in every instance, follow the commission of crime, he could not but disagree from the position. Well might our laws be considered as sanguinary, if, in every case, suppose of burglary, death was necessarily to follow the commission of the act. The crime of burglary was defined to be the entering of a house between the hours of sun-rise and sun-set, with a felonious intention; but would justice require that a boy who should open the latch of a door between those hours should be punished as guilty of the offence, although he might possibly be subject to the punishment by the mere letter of the act? The same observation might be made respecting robbery on the highway; because it was impossible for the law to take every possible consideration of the various circumstances under which such offences might be committed. Some might be such as in justice to require capital punishment, and others might be attended with extenuating circumstances. With respect to the bill which had been introduced by an hon. and learned gentleman, whose name he should never hear mentioned without respect, he had objected to the preamble of that bill when under the consideration of the House, as involving an abstract proposition, which might afterwards be made a precedent for establishing conclusions that were questioned. There never was a more religious, just, and humane man than lord chief justice Hale, and yet he was for inflicting the highest punishment on certain offences, without entering into the demerits of the individual who might have committed them. With regard to capital punishment for one species of crime, to which the hon. and learned mover wished to direct the attention of the House, he would ask, whether there was not as much moral guilt in forgery, which, by a stroke of the pen, deprived a man of his property, as in the act which should deprive him of it by forcible means? If the hon. and learned member had called for a committee of inquiry into the operation of punishment for any specific crime, he should perhaps have given it his support; but as the motion stood at present, he must vote for the previous question.

Sir *James Mackintosh*, in reply, observed, that he should be unreasonable if he did not think that the state of the argument lay fairly before the House, and that therefore it would not be requisite for him to trouble the House long at that late hour. With respect to his hon. and learned friend who had spoken last, he should set him right on one or two points. He did not intend that the punishment of death should in every instance follow the commission of burglary, nor did he mean at all to refer to the question of forgery.

The committee he had intended to move, would, if he were to read the list, be found to contain as fair a selection from all parts of the House as could be made.

The previous question being put, "That that question be now put," the House divided:

Ayes 147
Noes 128
Majority in favour of sir James Mackintosh's motion 19

The result of the division was received with repeated cheers. The main question was then put and agreed to; and a committee appointed, consisting of the following members:—sir James Mackintosh, Mr. Bathurst, Mr. Scarlett, Mr. Attorney General, Mr. Wilberforce, lord Nugent, Mr. Solicitor General, Mr. Abercromby, Mr. Granville Vernon, Mr. alderman Wood, sir Charles Mordaunt, viscount Althorp, Dr. Phillimore, Mr. Finlay, Mr. Fowell Buxton, Mr. Courtenay, Mr. Brougham, Mr. Williams Wynn, Mr. Littleton, Mr. Macdonald, Mr. Holford, and lord John Russell.

List of the Minority.

Abercromby, hon. J.
Allan, J. H.
Althorp, lord
Aubrey, sir J.
Barham, Jos.
Baring, sir T.
Barnett, James
Becher, W. W.
Bernal, Ralph
Bennet, hon. H. G.
Benyon, Benj.
Birch, Joseph
Brand, hon. T.
Byng, G.
Burdett, sir F.
Bankes, H.
Buxton, T. F.
Beaumont, T. W.
Bentinck, lord W.
Calthorpe, hon. F.
Campbell, hon. J.
Carew, R. S.
Carter, John
Cavendish, lord G.
Clifford, capt.
Coffin, sir I.
Churchill, lord C. S.
Coussmaker, Geo.
Crickett, R. A.
Davies, T. H.
Denison, Wm.
Dickinson, Wm.
Douglas, hon. F. S.
Duncannon, lord
Dundas, hon. L.
Dundas, hon. G.
Dundas, Thos.
Ebrington, visct.
Euston, earl of
Ellice, Edward
Evans, William
Fitzgibbon, hon. R.
Fazakerley, N.
Fitzgerald, lord W.
Fleming, D.
Folkestone, lord
Forbes, C.
Finlay, Kirkman
Gordon, Robert
Graham, J. R. G.
Grattan, rt. hon. H.
Grenfell, Pascoe
Gurney, H.
Gurney, R. H.
Grant, G. M.
Gaskell, Benj.
Harcourt, John
Harvey, D. W.
Hill, lord A.
Honywood, W. P.
Howard, hon. W.
Howarth, H.
Hume, Jos.
Hurst, R.
Hutchinson, hon. C.
Heygate, alderman
Kennedy, T. F.
Knox, Thomas
Lamb, hon. W.
Lambton, J. G.
Lloyd, J. M.
Lyttelton, hon. W.
Longman, G.
Littleton, E.
Lubbock, sir John
Leigh, J. H.
Lewis, T. F.
Macleod, Roderick
Macdonald, James
Mackintosh, sir J.
Martin, John
Maitland, J. B.
Maxwell, John
Monck, sir C.
Morpeth, lord
Mostyn, sir Thos.
Mordaunt, sir C.
Money, W. T.
Newport, sir J.
North, Dudley
Nugent, lord
Ord, Wm.
Palmer, C.
Palmer, C. F.
Pares, Thos.
Parnell, sir H.
Phillips, C. M.
Philips, George
Philips, Geo. jun.
Ponsonby, hon. F. C.
Power, Richard
Proby, hon. capt.
Price, Robert
Protheroe, Ed.
Phillimore, Dr.
Portman, E. B.
Ricardo, D.
Ramsden, J. C.
Rancliffe, lord
Robarts, A.
Robarts, W. T.
Russell, lord John
Russell, lord G. W.
Russell, lord W.
Russell, R. G.
Rumbold, C. E.
Riddell, sir J. B.
Rickford, W.
Scarlett, James
Sefton, earl of
Smith, hon. R.
Smith, George
Smith, Wm.
Smyth, J. H.
Sinclair, George
Stanton, sir G.
Stuart, lord James
Stewart, Wm.
Symonds, T. P.
Stanley, lord
Tavistock, marq. of
Taylor, M. A.
Thorp, alderman
Tierney, rt. hon. G.
Vernon, G.
Vernon, G. V.
Waithman, alderman
Webb, Ed.
Wharton, John
Whitbread, Wm.
Western, C. C.
Wilkins, W.
Williams, W.
Wilson, sir Robert
Wood, alderman
Wilberforce, W.
Wynn, C. W.
Wall, J.
Wilmot, R. J.

PAIRED OFF.

Brougham, Henry
Calvert, Charles
Concannon, L.
Fergusson, sir R. C.
Foley, Thos.
Guise, sir W.
Merest, J. W.
Newman, R. W.
Smith, S.

TELLERS.

Calcraft, John
Ridley, sir M. W.

HOUSE OF COMMONS.

Wednesday, March 3.

DEFALCATION IN THE ASSESSED TAXES.] Sir *W. De Crespigny* said, that in the motion which he proposed to submit to the House, he was convinced the chancellor of the exchequer would give him his cordial support. If the right hon. gentleman had consulted his own private feelings, he no doubt would have sifted the matter to the bottom, for he must be convinced that it required the minutest inquiry. The object of his motion was the detection of fraud practised by collectors, assessors, surveyors, commissioners clerks, &c., to an extent unknown before. He would do the right hon. gen-

tleman the justice to say, that when these abuses had been submitted to him, he had appointed a person to inquire into them, but he had not been able to accomplish what his inclination prompted him to attempt, and the system of surcharges, which had so long disgraced the country, was still continued. If he succeeded in getting the inquiry for which he was about to move, he hoped they should be able to put an end to that system of surcharge and defalcation which had so long existed. In the little parish of Westerham, in the district of Sevenoaks, the gross assessment in 1814 was 1,438*l.* 14*s.*; but the returns amounted only to 1,115*l.* 8*s.* 11*d.*; consequently there was that year a defalcation of 322*l.* 11*s.* 1*d.* In 1815, the assessment was the same, but only 980*l.* 10*s.* were returned, leaving a defalcation of 458*l.* 10*s.* In 1816, the assessment was the same, but the returns were only 858*l.* 14*s.* leaving that year a defalcation of 579*l.* 6*s.* One gentleman in that neighbourhood paid 150*l.* a year, but for two years this sum, had not been returned at all, but put into the pockets of these persons. There were several other cases of a similar nature, which made the whole defalcation in that parish amount to 1,968*l.* 3*s.* 2*d.* One of the collectors had been allowed to collect arrears, and to retain them for 15 months, at the end of which time it was found necessary to sell the furniture of his House to pay his debts. Under such circumstances, was he not justified in claiming the sanction of the House to stop this system of peculation? He hoped the right hon. gentleman would assist him in cleansing this Augean stable. The hon. baronet then moved, "That there be laid before this House, a Statement of Defalcation in the Assessed Taxes for the town of Westerham, in Kent, delivered to the Chancellor of the Exchequer, December 9th, 1816."

The *Chancellor of the Exchequer* was willing to communicate all the information on the subject which was in the possession of government; but he suggested the propriety of withdrawing the present motion, for the purpose of bringing another in a shape more likely to answer the purpose in view. He could assure the hon. baronet, that instructions had been issued to the Board of Taxes to institute an inquiry into the defalcations alluded to.

Sir *E. Knatchbull* said, that after what had fallen from the chancellor of the exchequer, it would not be necessary to press the motion. He was one of those who wished that the frauds in question should be sifted to the bottom. He hoped, however the motion would be withdrawn, for the purpose of bringing the subject before the House in a shape which would allow it to be taken into consideration.

Sir *W. De Crespigny* consented to withdraw the motion, on the assurance given by the chancellor of the exchequer. It was somewhat singular, that notwithstanding these defalcations had been pointed out more than two years ago, the persons complained of were still in the same situation.

Mr. *Lushington* read a paragraph from the report from the Board of Taxes to the Treasury, with the view of satisfying the hon. baronet, that proper measures had been adopted against the persons implicated in the defalcations.

Mr. *Tierney* concurred in recommending the hon. baronet to withdraw the present motion. If the papers furnished by the chancellor of the exchequer did not supply him with the necessary information, it would be in his power to move for more hereafter. It appeared that great depredations had been committed, and he hoped that every thing would be done by the Treasury to investigate this affair thoroughly.

The motion was then withdrawn.

HOUSE OF LORDS.

Thursday, February 4.

SLAVES IN THE WEST INDIA ISLANDS.] Lord *Holland* rose to call the attention of the House to the measures which had been adopted by the colonial legislatures, in consequence of the address of that House, in June, 1816. Their lordships would recollect, that the address of 1816 arose out of the unfortunate transactions which had occurred in the island of Barbadoes. It was the great object of that address to induce the colonies to adopt measures calculated to prevent their recurrence. The address accordingly expressed a wish that his majesty's government would recommend to the colonial governments the carrying into execution some measures for preventing the illegal importation of slaves, and for the improvement of those already existing in the islands. With regard to the first object of the address,

he was happy to learn that measures had been readily adopted by all the islands for its accomplishment. If any delusions and alarms on the subject of the address had existed, they had been dissipated by the temperate and judicious conduct of the legislatures of the different islands. He should therefore say no more on that part of the subject, but with respect to the other objects of the address he thought some observations necessary. The result of the measures adopted for the moral and religious instruction of the negroes did not appear, so far as he was informed, as satisfactory as those which, under the name of register acts, &c. had been carried into effect to prevent the illegal importation of slaves from Africa. He was, however, happy to say, that the colonial legislatures had shown no indifference to this important part of the recommendation. When considerable pecuniary sacrifices were made, in order to attain an object, it was surely to be presumed that those who made them were sincere. Confining himself to the island of Jamaica, he had to state, that an act had been passed there about a year and a half ago, to provide for the appointment of twenty curates to give religious instruction to the negroes, at the rate of 300*l.* currency each per annum. It had been found, however, that this sum was not sufficient to induce the necessary number of respectable clergymen of the church of England to go from this country and undertake the task. But whatever defect there might be in this measure, he saw no reason to impute it to any unwillingness in the colonial legislatures. It had been found impossible to procure clergymen regularly educated for the church of England, inclined to go to the West Indies at the salary offered, and he knew not what farther measures had been adopted by the house of assembly of Jamaica to obviate that objection; but experience had shown that persons educated in a higher sphere of life were seldom so successful in communicating religious instruction to men in the unfortunate situation of slaves as humbler instruments. In doing full justice to the house of assembly for the motives which had induced the passing of the act for appointing curates, it at the same time ought not to be disguised, that some acts framed in a very different spirit had been passed—he meant those against the influx of missionaries, which placed in the hands of the colonial government a power inconsistent with those principles of religious liberty which, in his opinion, ought always to be held sacred. However, when even in that House, in the legislature of this country, he could find but comparatively few persons disposed to carry their principles so far as he was, he could not think that the conduct of the representatives of the colonists, in passing those laws, could, in fairness, be made a ground for impeaching their sincerity. As experience had proved the advantage of employing persons in a humble situation of life to communicate religious instruction to the negroes, he would recommend the employment of a sect, against whom he thought no objection could be maintained—he meant the Moravian brethren. He wished that the colonial assemblies had given more liberal encouragement to missionaries; but at any rate he hoped they would avail themselves of the assistance of the worthy men of the sect to which he had alluded. According to the plan originally adopted for the propagation of Christianity in North America, an establishment was made, not only for curates, but for schoolmasters. He should think that this plan could be adopted with great advantage in Jamaica and the other islands, and that missionaries from the Moravians, or other sects, might be appointed schoolmasters. In making the recommendation contained in the address, for the general improvement of the negroes, their lordships certainly did not confine their views to mere physical comforts. The supply of negroes from Africa being cut off, the black population of the West India islands were placed in a situation in which they must necessarily make great improvement. The colonists, doubtless, looked forward to this improvement; but at the same time it was natural, in their situation, that they should exercise much caution with respect to the measures they were led to adopt in the different stages of its progress. Conciliation on all these subjects was the duty of the British parliament, the ideas he threw out, therefore, were merely by way of recommendation. Many were of opinion that no further improvement could be made in the condition of the West India slaves, until they had acquired a greater degree of religious instruction; he was therefore induced to propose a plan embracing that object. All colonial proprietors or agents were now compelled by law to register the number and the ages of the negroes on their re-

spective estates. He would propose that in this register there should besides be added the number of the negroes who had been baptized, and had arrived at the possession of a competent knowledge of the christian religion. As there was a deficiency of regular clergymen, this register might be made on the certificates of Moravian brethren. All the negroes thus proved to have attained to a competent religious knowledge, he would admit to give evidence in courts of justice. The right reverend prelate who had shown so laudable an anxiety for the improvement of the negroes, would, he trusted, give his support to a measure of this sort. When that right rev. prelate saw that temporal inducements were requisite to procure clergymen to preach the gospel, he could not think it improper that such inducements should be held out to the negroes to become christians. Such inducement was the more necessary, when the manner in which the question of conversion to christianity presented itself to the mind of the slave, when recommended to him by those who had authority over him. It always appeared to him that his master had some selfish view in the recommendation. On the contrary, if he found that a knowledge of christianity gave him importance among his companions, he would be eager to obtain it; for, notwithstanding the degraded state into which the original sin of the African slave-trade had plunged these unfortunate beings, they still possessed the ambition of distinguishing themselves. The right thus acquired would also be for the advantage of the master; and it was to be presumed, that every person of that class, of a well-constituted mind, would be proud to see the number of negroes, so marked by moral and religious improvement, increase on his estate. Such conduct would cement the union which ought to subsist between the parties. The slave would not consider the distinction he acquired as a conquest from the master, nor would the master be jealous of his enjoyment by the slave. He again wished it to be understood that what he stated was merely in the nature of a recommendation. He had no intention of proposing any motion or resolution. He would not discuss what might be the rights of this country with respect to colonial legislation. He should only say, that nothing but the most dire necessity could excuse any interference of parliament with the local assemblies. If a measure was good, though only one-fourth of it should be obtained through the medium of the colonial legislatures, that portion was better than the whole obtained in a way in which its execution, if at all possible, would be very imperfect. For these reasons, he had thought it right to trouble their lordships with these observations. There was sometimes a strong inducement thus to travel out of the record, as in that House opportunities offered for expressing opinions which might perhaps have some weight with those who possessed influence and authority elsewhere. He concluded by moving an address, for an account of the measures adopted by the colonial legislatures in consequence of the recommendations contained in the address voted by their lordships in June, 1816.

Earl *Bathurst* applauded the moderation and judgment with which the noble lord had brought forward his motion, and was convinced that the important object he had in view, would best be obtained by giving time to the colonial legislatures to mature the measures they were disposed to adopt. With respect to the registering of slaves, the colonies had passed acts. These acts differed from each other, and that very difference was a proof of a sincere disposition to attain the object which had been recommended to them, and also that, when they did not accomplish all that had been recommended, the deviation proceeeded from no concerted design. In this last respect they all differed in one point, from the recommendation to enact that slaves not found in the register should be immediately declared free. No clause to that effect was to be found in any of the acts: but it was provided that, after being detained one year, if not claimed, they should then be free. A clause in the different acts, that a copy of every register should be sent to this country, was a most desirable object. Since these registration acts had been passed by the colonial assemblies, it was in the contemplation of his majesty's government to recommend other measures to be adopted here. They would propose the passing an act making all sales of estates contracted for in this country void and illegal, unless a description of the slaves on the estate accompanied the sale. If there appeared to be any slaves on the estate which were not included in the colonial register, such slaves should be held not to be made over to the purchaser. As

the value of estates depended chiefly on the slaves, this would be a most important check; for if correct registers were not kept in the colonies, it would be impossible to obtain money nor estates sold here. The proposing of this measure had been delayed until the colonial assemblies had passed their register acts, because it was wished not to do any thing which might at such a time appear to interfere with the free exercise of the authority of these assemblies; but now he had no hesitation in stating, that a bill for this object would very soon be introduced into the other House of Parliament. In what the noble lord had said respecting the appointment of curates, he had done justice to the intentions of the legislature of Jamaica. The salary of 300*l.*, currency which amounted to little more than 150*l.* had been found insufficient; and besides, the duties which the curates had to perform were not described. The objection as to salary had, however, been removed, and he hoped that proper appointments would speedily take place. The noble lord thought that there was a difficulty in procuring a proper supply of clergymen of the established church, and certainly considerable difficulty had been experienced in that respect, though the right rev. prelate who had been applied to had made every effort to overcome it. Great difficulty arose from this circumstance, that no person can be ordained by a bishop, except for some specific preferment or duty within the diocese of that prelate. The bishop of London usually made the appointments, but, in fact he had no legal authority over the West India islands. In the beginning of the last century, it had occurred to bishop Sherlock, that there was something irregular in the exercise of that authority; and upon investigation, that was found to be the case. Still, however, it had been found necessary to continue the practice of ordination for the colonies; but in doing so, the bishop of London overstepped, in some measure, the bounds of his authority. There was, of course, no little difficulty in the bishop taking all the responsibility on himself. When a person was ordained for general colonial service, it was well known that the examination was not of precisely the same nature as that which would take place were he to exercise his clerical duties within the diocese. It would, therefore, be advisable to obtain some security, that persons ordained for the colonies did actually go to them, and when there, did not immediately return to act as clergymen in this country. The noble lord had adverted to means of enabling a certain portion of the black population to give evidence in courts of justice; and it appeared to him that for that purpose it was necessary for the negroes to possess a competent knowledge of the christian religion. He agreed with the noble lord in this view of the subject; for the mere certificate of baptism would not be a proof of improvement in religious knowledge. If the negroes could obtain it without due preparation, they would willingly be baptized three or four times over, as they believed it to be a charm against enchantment. He readily acceded to the motion of the noble lord.

The Bishop of *London* said, that the noble lord who had in so able a manner brought forward this question, had done him nothing but justice in attributing to him a sincere wish for the religious and moral improvement of the negroes. He could not, however, agree with the noble lord in the manner in which he had proposed to communicate that religious instruction. The noble lord had been too ready in concluding that recourse ought to be had to sectaries, and that temporal rewards were necessary to induce clergymen of the church of England to perform their duty. The church of England had as yet had very little opportunity of making efforts in the colonies. The clergymen appointed for Jamaica had, in some publications, been blamed for not doing more than they had yet accomplished; but what was expected of them was really beyond their physical powers. There were in Jamaica 19 parishes of great extent, each of these parishes was from 30 to 40 miles long, and about 20 or 30 broad. It was not possible, therefore, for any man to maintain that sort of communication with the population of such parishes as might subsist between a clergyman and the population of a parish in England. When he was informed of the act granting 300*l.* currency as salary for curates, he made inquiry among merchants acquainted with Jamaica, as to the propriety of that sum, and they assured him, that it was not sufficient to maintain any person in the character of a gentleman. In consequence of his representations on the subject, the salary had been increased to 500*l.* currency, which he understood amounted to something be-

tween 250*l.* and 260*l.* sterling. This it was expected would be found sufficient, and thus one great difficulty as to the appointments was removed. He did not yet, however, know what conditions would be proposed along with the salary. What the noble secretary of state had said on the subject of the appointments was correct. It had been found, after an inquiry made by the law-officers of the crown, that the bishop of London had no jurisdiction over the colonies. They had, however, from the necessity of the case, continued to act, and had corresponded on the subject of appointments with the governors of the West India islands. The reverend prelate proceeded to detail at length the measures which had been adopted for the religious instruction of the negroes, and observed, that that instruction was best confided in the hands of the clergy of the established church.

Lord *Holland* explained, that in using the words "temporal inducements," he meant what was admitted, that the salary was thought insufficient for persons educated for the church of England. He had, therefore, recommended the Moravian brethren as a means of removing that difficulty. The noble secretary of state was not correct in saying that he thought a competent knowledge in the christian religion necessary to the admission of negroes to give evidence in courts of justice. He had given no opinion on that question. He had merely said, that many persons were of opinion, that a considerable degree of religious instruction must precede any improvement in the condition of the slaves, and it was with the view of conciliating that opinion that he had suggested the plan which he had briefly described.

The question was then carried *nem. dis.*

HOUSE OF COMMONS.

Thursday, March 4.

Coal Duties.] Mr. Lygon presented a petition from Bewdley, against an equalization of the Coal Duties.

The *Chancellor of the Exchequer* said, that it certainly was not the intention of government to propose an equalization of this tax. While he made this declaration, he conceived himself bound to say, that he thought the course pursued by the petitioners from the inland districts injudicious, and that he did not see how any practical advantage was likely to result from the agitation of the question.

Mr. *Lambton* thought the most adviseable mode of proceeding would be to have the subject investigated in a committee.

Mr. *Davenport* conceived, that an equalization of the duty on coals would be an act of the greatest injustice, and that the owners of collieries were entitled to claim the protection of parliament. Nothing could be more narrow-minded than to lay a duty at this time on a material on which the manufactures of the country were so dependent. A tax on coals at the pit would be most impolitic.

Mr. *Littleton* could not say that this declaration of the chancellor of the exchequer was satisfactory to him. Till he heard a declaration from government, expressing their opinion of the injustice of an equalization of this tax, and that they would not, under any circumstances, support a proposition for such an equalization, he would take every opportunity of exciting a discussion on the subject. He hoped the hon. member for the county of Durham, if he had any intention of moving for a committee, would state whether it was his intention to move for such a committee before Easter.

Mr. *Lambton* said, he had already stated that he thought this subject ought to be investigated in a committee. Whatever might be the opinion of members, it was but right that both parties should have a hearing. Those who petitioned against the existing duty, were confident that in a committee they would be able to prove its injustice and impolicy. He himself had no doubt that they would bring forward evidence to show, not only that the city of London, but that all the coast ought to be relieved from the tax. They would prove that this relief would cause a great increase in the coasting trade, and thus afford employment to a number of seamen —a consideration of the utmost importance in the present circumstances of the country. He hoped they would be able to prove before a committee, the justice and policy of taking off the duty altogether. In answer to the question put to him, he had only to say that the hon. member for Surrey had given notice of his intention to bring the subject before the House, and he did not know whether he would do so before Easter or not.

The *Chancellor of the Exchequer* said, that he should certainly oppose the appointment of such a committee. He could not see that the agitation of the question could be attended with any benefit.

Mr. *Courtenay* thought the subject should undergo a full, fair, and ample discussion.

Mr. *Holme Sumner* said, that whether or not any of the members for the city intended to bring the subject before the House, he did not know; but he himself should not shrink from the danger. The persons whom he represented had long been oppressed by this tax, and the apathy with which they bore it was astonishing. But if they had hitherto neglected their interests, he trusted they would now exert themselves to see justice done.

Mr. *Wilson* thought, that the equalization should not be pressed, if it would hurt the manufacturers: but he trusted that the metropolis and other places could be relieved without burthening the manufacturer.

Mr. *C. Calvert* said, that should the chancellor of the exchequer continue to oppose the motion for the appointment of a committee, he hoped he would experience a disappointment similar to that felt by ministers when left in a minority two evenings ago.

Mr. *Bennet* said, that at a time when the manufactures in almost every part of the kingdom were in a struggling condition, and the labourers almost reduced to beggary, it would be most impolitic to lay a tax on the coals employed in the manufacturing districts, under the idea of equalizing the duty: but he would willingly vote for the repeal of the tax altogether.

Mr. *Littleton* stated that the numerous manufacturers whom he represented, were not able to bear the present taxes, and consequently were incapable of bearing additional duties. Whether a new or an amended law was in contemplation, he thought, in a financial view, the chancellor of the exchequer ought not to consent to any alteration of the inland coal duties, as it would not only severely affect his constituents, but prove very oppressive to other manufacturing counties.

Mr. *Hart Davis* expressed himself in favour of the equalization.

Mr. Alderman *Waithman* said, that the corporation of London had not yet given any opinion on the question. It was the inhabitants of Westminster and of the Borough, who had held meetings and petioned on the subject. But the corporation would soon take the subject into consideration; and he had no doubt but they would agree with their fellow citizens, and petition against the grievous oppression of the tax.

The petition was ordered to lie on the table.

ROMAN CATHOLIC CLAIMS—PETITION OF THE CATHOLICS OF GREAT BRITAIN.] Lord *Nugent* rose to present a petition from the English Catholics, praying for relief from certain grievous civil disabilities to which they were well known to be subject. The petition was signed by upwards of 10,300 persons, many of whom represented families, of the highest rank and antiquity in the kingdom. At the head of this list, which contained eleven peers and thirteen baronets—was his grace the duke of Norfolk, hereditary earl marshal of the kingdom. The statements in the petition had undergone such ample and frequent discussion, that the minds of members must be sufficiently informed as to them. The prayer was for the relief to which that House might think the petitioners highly and peculiarly entitled. He felt happy to be assured, that the general feeling on this question was fair, good, and candid. When he contemplated the memory of the great and good men in whose hands such a petition had been formerly placed, he acknowledged, with unaffected dismay, that he felt himself unfit for the task. It was natural also that he should feel diffident in coming forward as the advocate of a question, which for so long a time had had the support of that excellent man whose loss the House had so recently to deplore (the late Mr. Elliot)—a man whose whole life had been spent in the strict and able discharge of those high duties which his situation as a statesman and a senator had required, and who died, leaving the bright example of so many public and private virtues, among which his zeal and perseverance in behalf of his long-suffering fellow countrymen stood eminently conspicuous. When this question had engaged the attention and employed the talents of such a man as Windham, and of so many other distinguished senators, from Elliot up to Burke and Savile, it was natural that he should be dismayed, at the consciousness of his inability to follow in their path, and to take upon himself the advocacy of a cause in which they had acquired such deserved celebrity. It was, however, a relief to him, that this subject would, he presumed, be brought forward, at an early period, by a right hon. mem-

ber who had ever stood foremost in advocating the rights of his Roman Catholic countrymen—a man, whose presence alone forbad him from saying what he felt with respect to his powerful talents and incessant exertions, as the first and the last, in the great and glorious cause of religious liberty. The question, as he had observed, would be brought forward by that right hon. member. He would not anticipate the arguments which might be more properly reserved for that occasion, but he could not refrain from offering a few words as to the character of the petitioners and the object of their present application to parliament.

From the uniformly steady, loyal, and patriotic conduct of the Roman Catholics, while deprived of many of the blessings of the constitution which they were called upon to support, might be fairly drawn the conclusion, that the enjoyment of those blessings would not tend to make them less attached to their country and its government. The argument lay the other way; and from their past conduct the House had the strongest guarantee for the future. He would not enter into the question, how far the House ought to make the grant which the Catholics sought for the subject of negotiation; but his own opinion was, that it would tend to create differences and divisions amongst the Catholics themselves, and would certainly lessen the value of the gift which the legislature might be disposed to bestow. The petitioners complained, and with justice complained, that they were subjected to two grievances—the one, political disqualification, the other religious obloquy; the latter arising out of the former. They complained that these were not the consequence of any political tenets hostile to the government of the country, but were inflicted for religious opinions, for which he conceived they ought to be responsible to God alone. And here he could not avoid saying, that the strict and steady adherence to their religious opinions by the Roman Catholics, under so many privations, and where a deviation from some of them opened the way to those honours and enjoyments which they were so anxious to obtain, was a proof of the strict integrity of their principles; for if those principles were loose, if they sat but a slight value upon their religion, they might, by a deviation from some of its tenets, enjoy the benefits of the constitution equally with their fellow-men. Their political disqualifications had, as it were, cast them from political society. They were deprived of the power of that interference in political affairs which the lowest of their Protestant fellow-subjects enjoyed, and this on account of some dark and undefined suspicion, the effect of old prejudice or sectarian hatred. Was it consistent with the mild and tolerant nature of the British constitution, that so large a portion of our countrymen should be thus held in continued obloquy, because they differed from a great body of their fellow-subjects in some religious points? They were Englishmen by birth, by education, and by feeling; and yet, because they professed an attachment to certain religious principles, which to them appeared to be right, they were insulted, debased, and rendered aliens in their native land [Hear, hear!]. They had, it was true, the right of inheriting and bequeathing property—that property which was either the testimonial of the bravery and patriotism of their ancestors, or the reward of their own industry. But did not that very circumstance tend rather to show to them, in a clearer point of view, their own political degradation, when they possessed the property, and were deprived of all that political rank which it ought to bestow? Would any gentleman in a company of gentlemen, think another less worthy of the ordinary marks of respect paid in civilised society, because he adhered with steady attachment to certain religious rules; or would he attempt to impugn the motives for such belief? Undoubtedly not; and yet, for nothing more than that attachment were the Roman Catholics of this country deprived of their rights as British subjects. Their refusal to conform to the principles and practice of the established church was, he conceived, rather an argument in their favour; because it showed their attachment to opinions which they believed to be correct; for how otherwise could their refusal of the rank and privileges which they might enjoy by a compliance be accounted for? He could not conceive a more interesting spectacle than that of a Roman Catholic of high birth and large fortune, whose talents and virtues were confined in their operation, by the penal code, adhering conscientiously to those principles which he knew were the cause of his political disqualification, and dispensing to those around him all the good which his

means enabled him to bestow. Yet, such was a frequent sight in the country at present. Such was the situation of a great many of the individuals whose names were signed to the petition before him. It had been said that the Catholics were disaffected; but when were they so? If ever any symptoms of disaffection had existed among them, it was when they were writhing under the pressure of those severe, and he might add, sanguinary laws, which had been enacted against them. But let the House recollect how the Roman Catholics had acted, at times when the country had most need of their assistance. Was there, in the reign of queen Elizabeth, when England was threatened with invasion by a Catholic prince—was there at that period, a Roman Catholic of birth, rank, or fortune, whose arm was not uplifted against the approach to their shores of that banner which had been consecrated by the hand of the pope? The noble lord then enumerated many of the Roman Catholic noblemen who at that and a subsequent period, held posts of high and important trust, which they had discharged with bravery and fidelity, in defence of Protestant England. He next adverted to the signing of Magna Charta, which had been extorted by that love of liberty and attachment to their country which distinguished the Roman Catholics of those days—love and attachment which, he would assert without fear of contradiction, had not less characterised their Roman Catholic descendants down to the present period. He had said, that the attachment of the Roman Catholics to their religion during a long period of persecution and suffering, was a proof of their honour and good faith. In those, he maintained, would the Protestants find their best security. Without them, there could be nothing to depend upon—with them, they had every guarantee which it was possible to expect. With these impressions strong upon his mind, he begged to present to the House the petition of the Roman Catholics of England. Their situation, he begged to remark, was worse than the Roman Catholics of Ireland; they were debarred of many privileges which the Irish Catholics enjoyed. At the same time, he begged to be understood as not wishing to separate their interests. He conceived the benefit of emancipation equally due to all; and however highly he valued each as a body, he would not advocate the rights of either to the exclusion of the other. His object was, that conciliatory measures should be adopted towards them all, as he was sure that would be a step tending to consolidate the strength of the empire. The petitioners did not enumerate their grievances; they complained, generally, of their exclusion from political rights, and they relied for their restoration upon the justice, wisdom, and liberality of parliament [Hear, hear!]. The noble lord concluded by moving that the petition be read.

Lord *Morpeth* said, that after the able and eloquent speech of his noble friend, after the powerful statement he had made of the grievances of the petitioners, and with the recollection which the House must have of the appeals which had been already made to its wisdom and justice on this subject, he felt it unnecessary to take up their time with any observations in favour of the prayer of the petitioners. He was sure, that whatever opinion might prevail respecting the original policy of our penal laws, there could be now but one opinion, that they were no longer necessary. He only wished to take that early opportunity of offering his humble testimony to the loyalty and forbearance which had been uniformly displayed by the Catholics of England—by that class who were debarred, by the bad policy of our laws, from exerting their talents in those ranks and stations in society, which were the honourable reward of legitimate ambition to other classes of his majesty's subjects. Those opportunities of fair reward and honourable distinction which were open to the great mass of the people of this country, were shut to the Catholics alone. He should only add one word as to the manner and language of the petitioners. It appeared to him, that the petition was drawn up just as it ought to be, in a simple and plain, but yet in a manly and perspicuous manner; it did not enter into the detail of the specific grievances of the petitioners, because they presumed those grievances to be too universally known; it made no mention of the loyalty and stedfast attachment of the English Catholics to the constitution, because of that the House was sufficiently informed, by the unerring test of long and ample experience. He would not anticipate the debate on this important question, but should conclude by expressing his fullest confidence, that the House would no longer suffer the grievances of

which the petitioners complained to remain unredressed.

Dr. *Phillimore* said:—The petition presented by my noble friend is so important in all its bearings, and so peculiarly merits the deliberate consideration of parliament, that perhaps I may be excused if I venture to offer a few observations supplemental to those which have already been so eloquently pressed upon our attention. My noble friend has explicitly stated to the House the substance of the petition, and the tone and temper in which it is couched. The House will hear the petition read, and the signatures affixed to it;—in those signatures it will recognise names illustrious in the annals in our country—names so intimately blended, so closely mixed up as it were and identified, with the most brilliant periods of our history as instantly to recall to our recollection those who, by their counsels in peace and their achievements in war, have materially contributed to the renown and prosperity of Great Britain. In the individuals who now bear these names the House will as immediately recognize peaceful subjects of the state—debarred indeed from emulating the example, precluded from following the public career, of their forefathers; but nevertheless eminently characterised by their private virtues—individuals too, who, in spite of the severe privations and galling disabilities to which they are subjected, have, in times of turbulence and danger, maintained a steady and undeviating course, uniformly approving themselves faithful subjects to their sovereign, and zealously attached to the constitution of the state.—Well, therefore, may it be said, that the petitioners are entitled to the deliberate consideration of parliament; and I trust I shall not be thought presumptuous if, before I sit down, I earnestly and anxiously entreat hon. members, before they make up their minds as to the important question which this petition involves, diligently to re-examine, carefully to reconsider the history of those times which gave birth to the restrictions under which our Roman Catholic fellow subjects now labour—to weigh well the peculiar circumstances under which they originated—the peculiar necessity under which they were sanctioned, enacted, and subsequently perpetuated: if it shall appear that the necessity out of which they grew has altogether ceased, if it shall be established that the causes which impelled our ancestors to enact provisions so repugnant to the genius, and so hostile to the spirit of the British constitution, have no longer either effect or operation; if these premises shall be made out—the conclusion must inevitably follow, that the restrictions and disabilities against the Roman Catholics ought to follow the fate of that necessity from which they sprung, that the cause having ceased, the effects should cease also. Surely, if this be so, the present moment is singularly auspicious for the consideration and revision of this great question. Surely, Sir, it would well become a new parliament, assembled in the midst of profound peace, to replace within the pale of the constitution that portion of our fellow subjects who, by their faithful loyalty and tried affection, have showed themselves worthy of participating in the birthright of British subjects;—that birthright from which they only, of all dissenters from the established church, at present stand proscribed and excluded.

The Petition was then read, setting forth,

"That the petitioners humbly beg leave to represent to the House, that, at the time of his majesty's accession to the throne, the British Roman Catholics were subject to many penal and sanguinary laws; that, by the acts of the 18th and 31st years of his present majesty's reign, many of these laws have been repealed, but that many are still in force, and have the most distressing operation on the petitioners; that the petitioners remain subject to them merely on account of their refusal of certain religious tests, oath, and declarations; that their refusal of these is solely owing to their conscientious adherence to principles merely of a religious nature, and not conflicting, in the slightest degree, with any moral, civil, or political duty; that the petitioners have, at different times, presented petitions to the House for relief from the laws remaining in force against them; and they now again approach the House, with the most perfect reliance on its wisdom and humanity; most humbly praying, that the House will take their case into consideration, and grant them such relief as they shall deem proper, for extending to them the enjoyment, in common with their fellow subjects, of the blessings of the constitution."

On the motion, that the petition do lie on the table,

Mr. *W. Smith* rose, he said, not to

oppose the motion; on the contrary, he anxiously wished the complete success of the petitioners. But there was a mistake committed by the hon. and learned gentleman which he thought it proper to correct. That hon. and learned gentleman had observed, that it was but fair to grant the catholics the same civil privileges as were enjoyed by other dissenters in this country. But the fact was, that other dissenters did not enjoy the civil privileges which the hon. and learned gentleman seemed to have in his contemplation; for, from these privileges such dissenters were excluded by the Test and Corporation acts. He himself, for instance, as well as any other dissenter, was not allowed, according to those acts, to hold any civil or military employment, although permitted to sit in that House. He was not, indeed, qualified for the smallest office, either civil or military; and therefore the catholics would not gain much if they were only placed on a footing with himself and other dissenters. The indemnity acts which were annually passed did not affect the case with respect to what were called Protestant Dissenters, because the disqualification by the Test and Corporation acts still remained, although the Indemnity acts released some persons from the penalties denounced by those acts. The petition before the House was founded upon reason, justice, and liberality, and he most cordially wished it success; but he hoped that any civil privileges which parliament might think proper to grant or restore to the catholics, would not be withheld from the other dissenters to whom he had alluded.

Ordered to lie on the table.

Vote of Thanks to the Marquis of Hastings and the Army in India.] Mr. *Canning* rose and said:—Mr. Speaker; I rise, in pursuance of the notice given by me to the House at the opening of the session, to propose a Vote of Thanks to the marquis of Hastings, and to the officers and troops who served under his command during the late campaign in India. This vote I wish the House to understand, is intended merely as a tribute to the military conduct of the campaign, and not in any wise as a sanction of the policy of the war. I feel it necessary to state this reservation the more emphatically lest, from my having deferred my proposition until the papers, which the Prince Regent was graciously pleased to direct to be laid before us, had been for some time in the hands of the members of this House, any apprehension should be entertained that I wished the policy of the measures adopted in India to be discussed on this occasion, with the view of conveying in the vote of thanks an implicit general approbation. I assure you, Sir, that I have no such object in view. The political character of lord Hastings's late measures forms no part of the question upon which I shall ask the House to decide. My object in the present motion is to acknowledge with due praise and gratitude the splendid services of the Indian army. I was, indeed, anxious to have the papers upon the table, because some statement of the political relations of the different parties in the late hostilities—in the way, not of argument but of narrative—seems necessary, to render intelligible the origin and operations of the war. From these papers I will describe as succinctly as I can, the situation in which the British government found itself placed towards the different native powers of India; and if, in performing this task, I should let slip any expression of my own opinions as to the policy of the governor-general (and it may be hardly possible to avoid doing so, whatever caution I endeavour to observe), I beg to be understood as by no means calling upon the House to adopt those opinions. In agreeing to the vote to which I trust they will agree this evening, they will dismiss altogether from their consideration, the preliminary observations with which I introduce it.

I approach the subject, Sir, with the greater caution and delicacy, because I know with how much jealousy the House and the country are in the habit of appreciating the triumphs of our arms in India. I know well that, almost uniformly successful as our military operations in that part of the world have been, they have almost as uniformly been considered as questionable in point of justice. Hence the termination of a war in India, however glorious, is seldom contemplated with unmixed satisfaction. That sentiment generally receives some qualification from a notion, in most cases perhaps rather assumed than defined, that the war is likely to have been provoked on our part, with motives very different from those of self-defence. Notions of this sort have undoubtedly taken deep root in the public mind: but I am confident that in the present

instance (and I verily believe on former occasions which are gone by, and with which it is no business of mine to meddle at present) a case is to be made out as clear for the justice of the British cause, as for the prowess of the British arms. Neither, however, do I accuse of want candour those who entertain such notions, nor do I pretend to deny that the course of Indian history, since our first acquaintance with that country, furnishes some apparent foundation for them. It is not unnatural that, in surveying that vast continent, presenting as it does—from the Boorampooter to the Indus, and from the Northern mountains to the sea—an area of somewhere about one million of square miles, and containing not less than one hundred millions of inhabitants;—in looking back to the period when our possessions there consisted only of a simple factory on the coast for the purposes of a permitted trade, and in comparing that period with the present, when that factory has swelled into an empire; when about one-third in point of extent, and about three-fifths in point of population, of those immense territories are subject immediately to British government; when not less than another fourth of the land, and another fifth of the inhabitants, are under rulers either tributary to the British power, or connected with it by close alliance: it is not unnatural that, upon such survey and comparison, prejudices should have arisen against the rapid growth of our Indian establishment;—that its increase should have been ascribed, not only by enemies or rivals, but by sober reflection and by impartial philosophy, to a spirit of systematic encroachment and ambition.

On the other hand, in a power so situated as ours,—a power planted in a foreign soil, and without natural root in the habits or affections of the people;—compelled to struggle, first for its existence, and then for its security, and, in process of time, for the defence of allies from whom it might have derived encouragement and aid,—against nations in the habit of changing their masters on every turn of fortune, and, the greater part, already reduced under governments founded by successful invasion;—in a power so situated, it can hardly be matter of surprise that there should have been found an irrepressible tendency to expansion. It may be a mitigation, if not a justification, of such a tendency, that the inroads which it has occasioned have grown out of circumstances hard to be controlled; that the alternative has been, in each successive instance, conquest or extinction; and that in consequence, we have prevailed for the most part over preceding conquerors, and have usurped—if usurped—upon older usurpations.

But, with all that may be said in excuse for this disposition of our Indian empire to stretch its limits wider every day, far am I, very far, from describing it as a disposition to be fostered and indulged; or from undervaluing the constant and laudable exertions of the British parliament to check its progress, and, if possible, to counteract its impulse. Would to God that we could find, or rather that we could long ago have found, the point—the resting-place—at which it was possible to stand! But the finding of that point has not depended upon ourselves alone.

I state these considerations rather as qualifying generally the popular and sweeping condemnations of Indian warfare, than as necessary or applicable in the case of the present war. I refer to the wise and sober enactments of the British parliament,—not to dispute their authority or to set aside their operation; but because I can with confidence assert, that at no period of our Indian history, have the recorded acts and votes of parliament been made more faithfully the basis of instructions to the government in India than at the period when the marquis of Hastings assumed the supreme authority. It is but justice to the executive body of the East India company to say, that the whole course and tenour of their instructions has been uniformly and steadily adverse to schemes of aggrandizement, and to any war which could safely and honourably be avoided. It is but justice to the memory of the noble person, whom I succeeded in the office which I have the honour to hold, to say, that he uniformly inculcated the same forbearing policy, and laboured to turn the attention of the Indian governments from the extensions of external acquisitions or connexions, to the promotion of internal improvement. And having said this, it may not be an unpardonable degree of presumption in me to add that I have continued to walk in the path of my predecessor; that I have omitted no occasion of adding my exhortations to those which I found recorded in my office, against enterprises of ambition and wars of conquest. So strongly and so recently had the pacific system been recommended, that upon the

eve of the breaking out of the late hostilities, the hands of the supreme government were absolutely tied up from any foreign undertakings, except in a case of the most pressing exigency. Such an exigency alone produced, or could justify, the war, the glorious result of which the House is now called upon to mark by its vote.

That war takes its denomination from the power against which it was in the first instance exclusively directed, the Pindarries:—a power so singular and anomalous, that perhaps no exact resemblance could be found for it in history; a power without recognized government or national existence; the force of which, as developed in the papers upon the table, is numerically so small, that many persons have naturally enough found themselves at a loss to conceive how it could be necessary for the suppression of such a force to make preparations so extensive. It is true that the Pindarries consisted only of from 30,000 to 40,000 regular and irregular horse: capable however of receiving continual reinforcements, and of eluding, by the celerity of their movements, the attack of regular armies. Remnants of former wars, the refuse of a disbanded soldiery,—they constituted a nucleus, round which might assemble all that was vagabond and disaffected,—all that was incapable of honest industry and peaceful occupation,—all that was opposed in habit and in interest to a system of settled tranquillity in Hindostan. Hostilities against them could, therefore, be undertaken only at the risk of bringing into action all the elements of a restless and dissatisfied population; and the hazards to be calculated were not merely those arising from their positive strength, but those also which might arise from the contagion of their excitement and example.

It was not, however, from mere speculation as to the danger to be apprehended from such a body collecting and bringing into activity the unquiet and dissolute of all manner of casts and tongues and religions;—it was not from theoretical conviction of the incompatibility of the existence of such a power in central India, with the maintenance of social order and general peace, that the late war was undertaken. The Indian government, however confident its persuasion upon these points might be,—however keen its sense of the perils to which the peace of India was exposed,—were too fast bound by their instructions to strike the first blow, or to engage in war upon any less provocation than that of positive aggression either against the British power itself, or against allies whom its faith was pledged to defend. The war was provoked by actual aggressions, such as no government could endure without the neglect of a sacred duty. The native population would, without doubt, have had just reason to complain if the British government, having superseded those who would have sympathized with their sufferings, had omitted to avenge injuries which the awe of the British name ought perhaps to have been sufficient to prevent. Neither was it one aggression only, nor a series of aggressions confined to one year, that called for chastisement; nor was it against distant provinces, or obscure dependencies of the British power that these injuries had been directed. So long ago as 1812 an irruption was made into Bengal; in 1813 into the territory of Bombay; and in 1816, accompanied with circumstances of extraordinary audacity and outrage, into that of Madras. Of this last irruption intelligence was received in England, within a few weeks after the final and most peremptory injunctions of a forbearing policy had been despatched to India; and this intelligence it was that determined the government at home so far to relax those injunctions, as to loose the hands of the Indian government specifically against the invaders. Even without such specific permission, the government in India could not longer have forborne, unless it had forgotten what it owed to its subjects, and had been contented to forfeit its good name throughout the territory of Hindostan. And it is but justice to that government to say, that it had taken on its own responsibility a determination conformable to its character and its duty. Fortunately, the delays incident to the season at which this determination was taken, enabled the marquis of Hastings to receive from home a warrant for his proceedings, before he began to act on his own discretion.

The war, therefore, against the Pindarries was undertaken by the Indian government, with the full concurrence of the government at home. And what was the nature of the aggressions which called for this concurrence?—Nothing can be imagined more dreadful than the irruptions of the Pindarries. There is no excess of lawless violence which they did not perpetrate; no degree of human suf-

fering which they were not in the habit of inflicting. Rapine, murder in all its shapes, torture, rape, and conflagration, were not rare and accidental occurrences in their progress, but the uniform and constant objects of their every enterprise, and the concomitants of every success. After ravaging tracts of country of all visible wealth, they inflicted torture on innocence, helplessness and age, for the purpose of extorting the avowal and indication of hidden treasure. There were instances where the whole female population of a village precipitated themselves into the wells as the only refuge from these brutal and barbarous spoilers; where, at their approach, fathers of families surrounded their own dwellings with fuel, and perished with their children in the flames kindled by their own hands. If it were not a shame to add to such details any thing like a calculation of pecuniary loss, it might be added, that this last invasion was calculated to have cost, in booty and in wanton waste, scarcely less than a million sterling.

No wonder then that the government of India had resolved to avenge and chastise such unparalleled atrocities so soon as the season for taking the field should arrive, even had they not received any previous sanction from England. No wonder that the government at home had not hesitated to revoke its interdicts of war, and to qualify its injunctions of forbearance, upon receipt of details so afflicting to every feeling of human nature.

It is obvious from what I have already stated, that a war once excited in India might draw into its vortex many whom fear of our power only kept at peace. With respect to the Pindarries themselves, the difficulty was to find an opportunity of striking a decisive blow. Attacked, routed, scattered in all directions, they would speedily collect and congregate again; as a globule of quicksilver, dispersing for a moment under the pressure of the finger, re-unites as soon as that pressure is withdrawn. But the Pindarries had also chances of external support. They had, many of them, been trained to arms in the service of Scindia, the greatest among the native princes who maintain an independent rule; in the service of Holkar, long the rival of Scindia, for preponderance in the Mahratta confederacy; and in that of Meer Khan, a Mahomedan adventurer, who, originally employed as an auxiliary by Holkar, had the address to render himself, for a time master of the government which he was called in to support; and to carve out for himself, in return for his abdication of that influence, a substantive and independent sovereignty. However contemptible therefore in themselves, when compared with the numerous and well-trained armies of the British government, yet as the fragments of bands that have been led by formidable chieftains to whom they still professed allegiance, these vagrant hordes might be the means of calling into action powers of greater magnitude and resources,—Scindia, Holkar, and lastly, Meer Khan, himself essentially a predatory power, and the leader only of more regular and disciplined Pindarries. Nor was this the utmost extent of danger to be apprehended. Suspicions might also be naturally entertained that the other Mahratta powers were not displeased to see the British authority, against which they had more than once combined with all their forces in vain, weakened in effect and in opinion by the unavenged attack of such despicable antagonists; and that when the occasion should ripen, they might not be disinclined to revenge and retrieve their former defeats. But whatever might be the extent of immediate hostility to be encountered, or the chances of future danger to be calculated, the case was one which did not admit of doubt. The most beneficial acquisitions of territory would not have justified the incurring either the expense or the hazard of a war; but no hazard and no expense could be put in competition with the vindication of national honour, and the discharge of national duty.

In the endeavour to render intelligible the origin and operations of the war, I fear I may have trespassed much too long with prefatory matter upon the patience of the House. But it will be felt that in offering these explanations, I have incidentally disposed of a question strictly military, which I have mentioned as suggesting itself on the first view of lord Hastings's undertaking,—how it happened that preparations on so large a scale were necessary for the suppression of a hord of 30,000 horsmen? Banditti as they were, it will have been shown that they touched in near relation three powerful independent chiefs of India;—friendly indeed by the existing state of peaceful relations, but in character, and habit, and interest, our foes. It will have been shown that

two of these three chiefs being members of the great Mahratta confederacy, it would not have become a prudent statesman to lay out of his contemplation the possibility, however remote—however in the name of good faith to be disbelieved and deprecated—that the nominal head and the other members of that confederacy,—the Peishwah, the rajah of Nagpore, and the prince known by the title of the Guickwar (whose dominions are situated on the Western side of Hindostan) might, if the course of events should be protracted or untoward, forget the obligations of treaties, and make common cause with those whose hostility we more nearly apprehended.

In fact, of these last-mentioned Mahratta states, our allies and tributaries, the Guickwar is the only one that did not in the course of the war, take part with our enemies. The Peishwah and the rajah of Nagpore, though recently bound to us by the most solemn engagements—and the latter particularly by the most signal benefits did avail themselves of the earliest opportunity to declare against us; —with a treachery which, to lord Hastings's trusting and generous nature, was unexpected; but which though unexpected, did not take him unprepared.

I now come, Sir, to the operations in the field; upon which, extensive and complicated as they were,—spread over so wide a theatre, and involving so much intricacy of military detail—I do not presume to venture to speak with any particularity; or to offer myself as a guide to the House through a labyrinth, which I have neither skill nor practice to enable me to trace. I shall confine myself to the general course, and character, and results, of the campaign.

The House has seen that when the governor-general prepared to take the field against the Pindarries, he looked forward to the possible hostility of Scindia, Holkar, and Meer Khan. With the Peishwah, a prince the most important from the influence of his high rank among the Mahratta states,—and with the Rajah of Nagpore, treaties had been recently signed and ratified, under such fair seeming protestations of good faith and friendship, that so far as instruments, and professions could be binding, the fidelity of these powers seemed assured. The treaties to which I refer are the first and second in the collection upon the table.

So effectual were the plans and dispositions of lord Hastings, that Scindia, the most formidable of his expected enemies, was overawed, and compressed, as it were, into a new treaty which pledged him to active co-operation against the Pindarries. The utmost extent of the stipulations of this treaty cannot be said to have been very diligently fulfilled by him; but so far the object of it was effected, that he at least remained neutral during the campaign. Whether in this respect Scindia acted under the impulse of fear, or was persuaded by arguments addressed to his interest and ambition, the prudence of the governor-general is equally conspicuous: it detracts nothing from military skill to have been aided by political sagacity. As to Meer Khan, the overwhelming force which lord Hastings brought to bear upon him compelled his immediate acquiescence and submission. He withdrew his troops and surrendered his artillery. It remains to speak of the third power whose hostility was expected—Holkar. With Holkar's government, (the actual chief being a minor) negotiations were for some time carried on; regarding which, the papers on the table contain information somewhat less ample than could be wished; as by some omission, no doubt accidental, various documents relating to these transactions have not yet reached this country. That lord Hastings had been in negotiation with the regent, the mother of the young rajah; and that great hopes were indulged of a favourable issue, is clear; but how these hopes were disappointed does not appear in the documents before the House. I am, however, enabled to add to what appears in the papers, one fact the particulars of which have only come to my knowledge within a few days. A short time before the great and decisive battle with the forces of Holkar, one of the refractory and disaffected chieftains in his council, took this summary method of over-ruling the policy of the regent: he entered her tent at night, dragged her out by her hair, and severing her head from her body, cast both into the river. Of the change thus suddenly wrought in Holkar's councils, the first indication was, an attack by the army of Holkar on the troops composing the advanced guard of sir Thomas Hislop.

This brings me to the battle of Maheidpore—the only great general action which occurred in the course of the campaign. Of this battle I feel myself

incompetent, even if it were necessary, to enter into the military details: the gazettes furnish a more perspicuous account of it than I could pretend to offer. But I may be permitted to say, that more determined gallantry, more inflexible perseverance, or greater exertion of mind and body on the part of every individual engaged, were never displayed than in the battle of Maheidpore. The result was, the defeat and dissolution of the army of the enemy,—though not without a loss on our side, deeply to be deplored. This victory recommends to the gratitude of the House the name of sir Thomas Hislop, by whose conduct and under whose auspices it was won; and that of Sir John Malcolm—second in command on that occasion;—second to none in renown;—whose name will be remembered in India as long as the British tongue is spoken or the British flag hoisted throughout that vast territory.

The result of this battle, as it was the complete dissolution of the army of Holkar, so was it that of the confederacy among the Mahratta powers, which had long been secretly formed, and which an unprosperous or even a doubtful issue of our first action in the field, would unquestionably have brought into full play. A treaty of peace was forthwith negociated with Holkar, by which were ceded to us all his possessions on the south side of the river Nerbudda: and the remainder of the campaign, so far as this member of the hostile confederacy was concerned, consisted in collecting for the British government the scattered fragments of his dismembered chieftainship.

While the campaign was proceeding thus successfully against those whom lord Hastings had taken into account as probable enemies, their number was unexpectedly increased by the addition of the Peishwah, the executive head of the Mahratta empire; who suddenly broke the ties which bound him (as has been seen) in the strictest amity to the British government. Even sir John Malcolm—better qualified perhaps than any other person to fathom the designs and estimate the sincerity of the native powers—had been so far imposed upon, in an interview with that prince at Poonah, as to express to lord Hastings his perfect conviction that the friendly professions of the Peishwah deserved entire confidence. In the midst of this unsuspecting tranquillity, at a moment now known to have been concerted with the other Mahratta chieftains, the Peishwah manifested his real intentions by an unprovoked attack upon the residency (the house of the British resident) at Poonah. Mr. Elphinstone (a name distinguished in the literature as well as in the politics of the east) exhibited on that trying occasion, military courage and skill which, though valuable accessaries to diplomatic talents, we are not entitled to require as necessary qualifications for civil employment. On that, and not on that occasion only, but on many others in the course of this singular campaign, Mr. Elphinstone displayed talents and resources, which would have rendered him no mean general, in a country where generals are of no mean excellence and reputation.

The gallant resistance of lieutenant-colonel Burr, at the head of the small force cantoned in the vicinity of Poonah, to the concentrated army of the Peiswah, and the brilliant and decisive victory subsequently gained over that army by brigadier-general Smith, stand recorded in the Gazette—memorable instances of British valour. Nor less memorable is the instance of British moderation displayed by general Smith after his victory, in sparing the then hostile capital of a treacherous enemy, which lay at the mercy of the conquerors.

It may be convenient to despatch in continuity what remains to be stated respecting the Peishwah, though anticipating for that purpose events and the order of time. It was the task of general Smith to pursue that fugitive prince through all the windings and doublings of a warfare which shifted its ground a thousand times; to overthrow his collected force a second time in a pitched battle; and in that battle to rescue from his power the rajah of Sattarah, descendant of the ancient sovereigns,—and by just title, the real head of the Mahratta empire. Of that empire the Peishwah was originally the first executive minister. As happens not unfrequently in oriental sovereignties, the legitimate monarchy had for some time sunk into a mere name; and in that name the peishwahs had now for six generations exercised the supreme authority, keeping during the same period the successive hereditary sovereigns in confinement. To seize the person of the rajah of Sattarah, in the fort of that name in which he had long been immured, was the first object of the Peishwah in his flight from Poonah; lest,

falling into the hands of the British, the restitution of that sovereign to his state should lead to the final extinction of the Peishwah's office and power. To defeat this precaution was the effect of general Smith's victories; and it was no small reward of his exertions to be the instrument of such a restoration. Amid the rapid revolutions and fluctuating dynasties of the east, it is not always that European policy can satisfy itself as to the correctness of the course which circumstances or engagements may compel it to pursue or to sanction. But it is no unsatisfactory consequence of a faithless and unprovoked attack upon the British power, that a lawful sovereign has been replaced on the throne of his ancestors, by the same British army which drove a perfidious aggressor from his capital, and finally reduced him from a wanderer to a captive.

What has been stated of the unexpected hostility of the Peishwah, applies, in its general outline, and with change only of names and places, to the rajah of Berar. At Nagpore, as at Poonah, an attack was suddenly made on the British residency; while the attention of the governor-general was supposed to be exclusively occupied with the Pindarry war. A similar resistance was successfully opposed to this attack by the resident, Mr. Jenkins; who affords another instance of the happy union of military qualifications with diplomatic skill; and whose courage and constancy had been heretofore displayed under very trying circumstances, when, after the former Mahratta war, he held the office of resident at the court of Scindia. The few troops stationed at Nagpore, under lieutenant-colonel Scott, made a gallant stand against the superior numbers of the enemy —(a superiority sufficient to surround and overpower the British force, even if the attack had been foreseen); instances of individual heroism displayed on this occasion are deservedly recorded in our military annals. It remained for the skill and valour of Brigadier-general Doveton to follow up the advantages thus obtained; and to complete the overthrow of a power which had acted with such perfidious violence. The hostility of Nagpore was a still greater surprise than that of Poonah. The result in both cases was the same. The Peishwah is consigned to a secure though mitigated captivity;—the rajah of Berar continues still a fugitive, but so reduced and deserted, that although I cannot aver that a renewal of hostilities by him is altogether impossible,—I trust that they cannot be renewed in a shape likely to give the governor-general much trouble or uneasiness.

Neither had these distant and unforeseen occurrences the effect, which was probably anticipated by the Mahrattas, of calling off the attention of the Bengal government from the original object of their military preparations—the Pindarries. Within three months after the opening of the campaign, this formidable horde had ceased to exist as a body. Surrounded, and driven, as if into a net, between the converging forces of the British presidencies,—repelled on one side from the frontiers of the Company's territories, and pressed on the other against the frontiers of Scindia and Holkar—(Scindia's territory being closed against them by that chieftain's treaty of co-operation, and Holkar's by the treaty of peace which followed the battle of Maheidpore); cut off from their accustomed retreat across the Nerbudda, into the territories of Poonah or Nagpore; and unable, as is their nature, to make head against a regular army in the field; they gradually melted away, dispersed, concealed, or surrendered themselves; their families, their treasured plunder, their fortresses, fell into our hands; and that association of freebooters may I hope be said to be extirpated, not indeed in their persons, but in purpose and in name.

Of such complicated hostilities, covering an extent of country before which the dimensions of an European campaign shrink in comparison, it is, as I have said, quite impossible for me to attempt any thing like a detailed exposition. Among feats of prowess and deeds of gallantry performed contemporaneously in scenes of action far removed from each other, but conducing alike to one great end, I feel totally unable to thread the mazes of victory, and to select instances for minute specification and particular praise, either with justice to the British troops, or with satisfaction to my own sense of their merits. The names of the leaders and of the actors in these distinguished scenes must be fresh in the recollection of those who have perused the reports of the campaign; and I fear that if I were to attempt a catalogue, I might, from inadvertence (though not from partiality), leave many well deserving of praise unnamed. In every instance, the valour of the Bri-

tish troops has been eminently conspicuous. And when I say—of the *British* troops,—let me guard the House against any such erroneous impression, as that the contest was one between tried and valiant British soldiers on the one side, and feeble and unwarlike natives on the other. Let it not be considered as an unequal conflict of European valour with untaught Indian courage; for, out of about 90,000 troops, whom lord Hastings brought into the field, 10,000 only, or thereabouts were British: the remainder were the native forces of the East India Company,—trained, it is true, by European officers, and proving by their obedience, their courage, their perseverance, their endurance, that in discipline and in achievements they were capable of rivalling their British instructors.

In doing justice to the bravery of the native troops, I must not overlook another virtue — their fidelity. Many of the Bombay army had been recruited in the territories of the Peishwah; their property, their friends, their relatives, all that was valuable and dear to them, were still in that prince's power. Previously to the commencement of hostilities the Peishwah had spared no pains to seduce and corrupt these troops,—he abstained from no threats to force them from their allegiance; but his utmost arts were vain. The native officers and soldiers came to their British commanders with the proofs of these temptations in their hands, and renewed the pledges of their attachment. One man—a non-commissioned officer—brought to his captain the sum of 5,000 rupees, which had been presented to him by the Peishwah in person, as an earnest of reward for desertion.* The vengeance denounced by the Peishwah was not an unmeaning menace. It did, in many instances, fall heavily on the relatives of those who resisted his threats and his entreaties; but the effect was rather to exasperate than to repress their ardour in the service to which they had sworn to adhere.

This combined courage and attachment were never more conspicuous than on one occasion which I will take the liberty to particularize, for the purpose of paying a just tribute as well to the native troops, as to the talents of an officer commanding them. It is an instance which I may select without invidiousness, as the rank of the officer does not allow of his name being mentioned in a vote of thanks.

A body of between 800 and 900 men, all natives, except the artillery (the proportion of which to a force of this strength many gentlemen present can estimate more correctly than myself), was on its march from a distant part of the Peishwah's territories to Poonah, soon after the denunciation of hostilities; and unexpectedly found itself in presence of the whole Mahratta army. What was the exact amount of the Peishwah's force I am not able to state with precision, but the cavalry alone was not less than 20,000. The small band which I have described, hemmed in on all sides by this overwhelming superiority of numbers, maintained through a long day an obstinate and victorious resistance: victorious—for they repelled on every point the furious attacks of the enemy. The chief suffering of which they complained during this singular and most unequal contest, was the intolerable thirst which they could not procure the means of slaking until the action was over. In the end they not only secured an unmolested retreat, but they carried off their wounded!—In such a waste and wilderness of space and of glories, distracting the sight and perplexing the judgment, it is satisfactory thus to select some small insulated field of action, which one can comprehend at a single glance, and of which (as of some green and sunny spot in a far-stretching and diversified landscape) one can catch and delineate all the characteristic features.

From this one small achievement—small as to extent, but mighty with reference to the qualities displayed in it,—the spirit which pervaded and animated the whole Indian army may be inferred. The officer who commanded this gallant little force, was captain Staunton: his rank does not entitle him to be recorded in our votes, but the House will be glad to learn that his merits and services have not been overlooked by his immediate employers, the Court of Directors.

To sum up the military results of the whole campaign in a few words:—Within the short period of six months, between November and June, eight-and-twenty actions were fought in the field; differing from each other in magnitude, but all exhibiting, in unvaried splendor, the cha-

* The name of this man—*Sheick Houssein*—however unmusical to European ears, deserves to be recorded.

racter of our Indian army. One hundred and twenty forts—many of them scarcely accessible, some deemed impregnable either by force or skill,—fell to that army by surrender, by siege, or by storm. To give some notion of the extent of country over which these actions were distributed —the distance between the most northern and most southern of the captured fortresses is not less than seven hundred miles.

At the southern extremity of this long line of operations, and in a part of the campaign carried on in a district far from public gaze and without the opportunities of early and especial notice, was employed a man whose name I should indeed have been sorry to have passed over in silence. I allude to col. Thomas Munro; a gentleman whose rare qualifications the late House of Commons had opportunities of judging when he was examined at their bar, on the renewal of the East India Company's charter; — and than whom Europe never produced a more accomplished statesman, nor India, fertile as it is in heroes, a more skilful soldier. This gentleman, whose occupations for some years past, have been rather of a civil and administrative than a military nature, was called, early in the war, to exercise abilities which, though dormant, had not rusted from disuse. He went into the field with not more than five or six hundred men, of whom a very small proportion were Europeans; and marched into the Mahratta territories to take possession of the country which had been ceded to us by the treaty of Poonah. The population which he subdued by arms, he managed with such address, equity, and wisdom, that he established an empire over their hearts and feelings. Nine forts were surrendered to him or taken by assault on his way; and at the end of a silent and scarcely observed progress, he emerged from a territory heretofore hostile to the British interest, with an accession instead of a diminution of force, leaving every thing secure and tranquil behind him. This result speaks more than could be told by any minute and extended commentary.

This, however, Sir (in order that I may keep my word with the House), is the last episode in which I shall indulge. It remains only to describe briefly the general state in which our affairs were placed at the end of the campaign. The Peishwah and the rajah of Nagpore I have already traced from their unprovoked hostility to their merited chastisement. The Pindarries, the original cause and object of the war, are gone. Of the powers which had a natural interest to side with the Pindarries, Meer Khan is reduced to his original comparative insignificance; Holkar has paid the penalty of his hostility by the sacrifice of a large portion of his dominions; and the most formidable and most important of all, Scindia, having been prevented by wise management from taking that course which would justly have placed him amongst the victims of our vengeance, remains; and long may he remain an independent sovereign. Long may he remain so!—because, anxious as I am for the prosperity and grandeur of our Indian empire, I confess I look at its indefinite extension with awe. I earnestly wish that it may be possible for us to remain stationary where we are; and that what still exists of substantive and independant power in India, may stand untouched and unimpaired. But this consummation, however much it may be desired, depends (as I have said) not on ourselves alone. Aggression must be repelled, and perfidy must be visited with its just reward. And while I join with the thinking part of the country in deprecating advance, — who shall say that there is safety for such a power as ours, in retrogradation?

In one view, the accession of territory, by the various operations of which I have attempted to give some outline, is as important as the war was justifiable and necessary. In the beginning of this war the frontier to be guarded was in extent not less than two thousand five hundred miles. In consequence of our late successes, and of the tributary alliances which have grown out of them, that frontier is indeed much advanced; but in proportion as it is advanced, it is also narrowed, so that the line towards the Indus does not now present more than one-third of the extent of the former external boundary.

I have thus, Sir, endeavoured to bring before the House a review of the late campaign; and imperfect as I am aware that review must necessarily be, I do not know that I have omitted any material part of the grounds on which I found my call upon the House for a vote of thanks to the marquis of Hastings. I have said enough to show the providence with which he called forth, and the skill with which he arrayed, the forces of the

great empire committed to his charge; the wisdom with which he laid his plans, and the vigour with which he carried them into execution. I conclude with proposing the vote to lord Hastings as the commander under whose auspices these successes have been achieved; but I think it due to him as a statesman at the same time to assure the House that his most anxious wish is to improve by the arts of peace the provinces acquired in war; extending the protection of British justice to every part of our widely-spread dominions; but leaving as he may find them, the harmless prejudices of nations; and conforming our government to native habits and institutions, wherever those habits and institutions are not at variance with equity and reason; convinced that the British rule will be stable throughout India, in proportion as it is beneficent and beloved. [Mr. Canning here read the Vote of Thanks to the marquis of Hastings].

It is necessary that I should preface the second Resolution with a few remarks on a circumstance in the conduct of a gallant general who has greatly signalized himself in this campaign. I mentioned, in the earlier part of my speech, that one of the first results of sir Thomas Hislop's victory over Holkar was an order issued by that chief, and intrusted to sir Thomas Hislop, for the surrender of certain fortresses to the south of the river Nerbudda. Amongst the fortresses so ordered to be surrendered to sir Thomas Hislop, was that of Talnier. At that place an event occurred which is related in the papers before the House, and the particulars of which it is not necessary for me to repeat. In those papers the House is possessed of all the information which the East India company or the government have received on this subject. With that information neither the East India company nor the government are satisfied. The only course which, under these circumstances, could be adopted, was, to send instructions to the government of India to transmit to England the most ample information, and to institute, if necessary, the most minute inquiry. I am very far from admitting that because there has been an omission in sending home satisfactory documents, we are therefore to conclude that the transaction is not justifiable. The inference must be the other way:—First, from the character of a British officer; secondly, from the individual character of this officer, whom (though I am not myself acquainted with him), I understand to be eminently entitled to praise not more for his professional talents, than for his abhorrence of every thing cruel or severe. We have further in support of this inference, two separate approvals of his conduct by the marquis of Hastings, conveyed in the most unqualified terms. It is impossible to imagine any interest or affection that could have induced lord Hastings to slur over a transaction, which in his conscience he thought deserving of blame. I say this the more confidently, because instances have occurred in the course of this campaign which prove that however anxious lord Hastings is to bestow praise where praise is merited, he knows his duty too well to withhold blame from those who have justly incurred it. Those instances it would be unfair to mention; but I can assure the House that such are in my possession.

When the despatch which contains the account of the capture of Talneir, was transmitted in the military department of the official correspondence, it came unaccompanied with any civil details whatever. I felt some reluctance in making the bare military statement public: but I thought the plain course to pursue was, to deal with this despatch as other despatches of a military nature had been dealt with; looking forward confidently to the arrival of the details which were wanting to give the transaction its true colour. Those gentlemen who take an interest in Indian affairs must know how uncertain correspondence is with that part of the world. There have been—there still are—great chasms in the correspondence respecting the late campaign. In last Saturday's Gazette, is an account of occurrences which took place not less than a year and a half ago: it is not the fault of the government that the intelligence of them did not arrive sooner. And here it may possibly be expedient for me to state, by the way, why despatches of which the general interest is gone by, are nevertheless inserted in the Gazette. The reason, Sir, is this: from the intense and laudable eagerness with which military honours are sought for, it is necessary that those services by which such honours may be merited, should be publicly recorded. Public record being made —and wisely—an indispensable condition of the grant of those honours, it would be hard to run the risk of invalidating any

officer's title to them hereafter, by keeping back altogether the notification of services, the official report of which might have happened to be delayed.

To return to sir Thomas Hislop: his despatch arrived in August; the approbation of the marquis of Hastings, though dated only a fortnight after that despatch, did not arrive till the 27th of November. The details of a complete justification may be now on their way. In this imperfect state of evidence three modes of proceeding presented themselves to government. The first was, to withhold remuneration altogether from the services of the Indian army till this point should be cleared up; but no man who knows the spirit and temper of armies in general, and the composition of the Indian army in particular, would recommend a course so ungrateful and ungracious. The next was to grant to other deservers the proper honorary rewards, omitting the name of the commander under whom the most considerable victory had been gained—the name of him in whose praise the letters from India were lavish; but such an exception would have placed on his character a stamp of obloquy too deep to be effaced by any subsequent atonement. The last course was, to include him with the body of officers to whom military honours were due; still, however, expecting and requiring at a future period a satisfactory explanation of this particular part of his conduct.—If the House shall be of opinion that the executive government have not judged amiss in the choice which they have made between these three modes of proceeding, the House will, perhaps, so far countenance and concur with their decision as to vote its thanks for military service to lieut. general sir Thomas Hislop, in common with his brave compeers in glory; and to be contented with entering, at the same time, a special record of its own suspended judgment on this particular transaction.

I admit the reasonableness of such a record, on the grounds which I have stated; though I feel that, standing in my situation, it would hardly be becoming in me to propose what that record shall be. To join it with the vote of thanks itself, when every end can be obtained by a separate resolution, would be as harsh as unnecessary:—unnecessary, since the suspension of the judgment of the House may be sufficiently marked without such a junction;—and harsh, because the vote of thanks will be placed on the regimental books, and read in front of every military line in India. This, I am ready to confess, would not be too severe a course if the transaction were finally to be imprinted with a character, such as, I trust it never can assume; but what would be the feelings of sir Thomas Hislop and of his comrades, if such a censure were sent forth, in ignorance here, to be read before an audience in India who might well know that it had not been deserved? I trust, then, that the House will allow the name of sir Thomas Hislop to stand in my second resolution of thanks, without any phrase of qualification; and in return, if any gentleman shall propose a separate resolution of the description which I have ventured to suggest, I shall think that by assenting to such resolution I best discharge my duty to the House, to the Indian army, and to sir Thomas Hislop himself.—The right hon. gentleman concluded with moving his first Resolution, viz. "That the Thanks of this House be given to general the marquis of Hastings, knight of the most noble order of the Garter, and knight grand cross of the most honourable military order of the Bath, governor general of the British possessions in the East Indies, and commander-in-chief of the forces there, for the promptitude and vigour displayed by him in the overthrow and suppression of the Pindarries; and for those eminently skilful and judicious military arrangements which enabled him to defeat the hostile aggressions of the Mahratta princes, in a campaign marked by a series of brilliant and decisive successes, highly honourable to the British arms."

Lord *Morpeth* said, that after the speech of his right hon. friend, not more remarkable for its eloquence than for the clearness and excellence of its arrangement, he must bespeak the indulgence of the House, in endeavouring to offer a few remarks upon the proposition that had just been made. He was sensible of the difficulty of the task; but that difficulty was lessened by the consideration, that in the greater portion of the observations made by his right hon. friend, he entirely acquiesced. To the governor general, for that commanding talent and consummate ability with which he had planned and directed the various and complicated movements of the late campaign in India, he offered the tribute of his unqualified approbation. He spoke certainly with

the ignorance of an unmilitary person, but it appeared to him that the operation which had directed the advance of a considerable part of the army from the south in the front of the enemy, while an overwhelming force collected in his rear left him no alternative but destruction or submission, was most judiciously conceived and ably executed. To that army which was concerned in these great achievements he was certainly anxious to pay his debt of gratitude. For the European part of it, the proportion of which had been justly noticed by his right hon. friend, he would say, that they had maintained that reputation which had been acquired by their brethren on the continent of Europe; for the Indian part of it, so much the most considerable division, he would say that they vied with the European soldier in all the qualities of military excellence, and particularly in the steadiness of discipline with which they had resisted the intrigues, the temptation, and seduction of the native princes. With regard to the officers of the Indian army, he might, perhaps be permitted to mention a characteristic which had often occurred to him, and in which they were not surpassed by any other service in the world. He considered that they united all the accomplishment of the soldier with the ardor and activity of scientific and geographical research, whether it was evinced in tracing the source of the Ganges to its barriers of eternal snow, or in measuring the mountains of the ancient world, and vindicating their superiority over their competitors in the Western hemisphere, or in traversing, with a spirit of almost romantic enterprize, the sandy deserts that separate the Indian from the Persian frontier, the encomium would be well deserved. With regard to their military excellence, in addition to the brilliant action at Corregaum, which had been so well illustrated by his right hon. friend, he might mention the affair of Poonah under col. Burr, and that of Nagpore under gen. Doveton, who were both opposed to a very superior force. But for their general merits it was sufficient to say, that they had been the companions in arms, and had been led to victory, by sir Arthur Wellesley, and that they had subsequently merited, and met with the applause of the duke of Wellington.

With regard to the justice and policy of the war with the Mahratta states, he begged leave to accept the proposition of his right hon. friend, and to reserve his opinion free and unpledged; for if it were expedient to enter into the merits of that question, it would, in his opinion, be necessary to produce much more extensive information;—much of the correspondence with the court of Poonah from the period of the treaty of Bassein, for from that treaty many of the events connected with the war may trace their origin. Much resulted from the effect of the subsidiary system. The Peishwa had been described as guilty of ingratitude and treachery; but it must be observed, that you placed a barren sceptre in his hand, and almost insulted him with the mockery of independance. You were not authorized to calculate upon the gratitude of a person so circumstanced. The same remark applies, in some degree, to the rajah of Nagpore. With regard, therefore, to the question relating to the justice and policy of the war; with regard to the operation of that extensive plan of pacification and alliance, which comprehends, in one direction the chieftain of Lahore, and in another nearly stretches to the banks of the Indus; and, above all, in reference to that line of policy which annexes territory to the already gigantic possessions of our Indian empire, he hoped to be allowed to exercise a free and unfettered judgment. He certainly had less reserve in speaking of the war with the Pindarries: he would readily allow that their aggressions were most wanton; and their cruelties most unprovoked. The details, indeed, were calculated only to excite disgust and horror. They deserved the full measure of retributive justice, and had met with what they deserved; they had expiated, under the hoofs of our cavalry, the atrocities and the cruelties that they had perpetrated upon the defenceless and unprotected. He was not, however, quite so sanguine as some professed to be, as to their complete extirpation; especially when he recollected the words of a person who had eminently distinguished himself both in a civil and military capacity; he meant sir John Malcolm, who, in speaking of the Pindarries, observed, that they were not more addicted to plunder than every Mahratta horseman, and every mounted adherent of every chieftain in the province of Maliva. Under these circumstances, he did not think, unless you could extirpate the breed of horses, and alter, by the gradual progress of civilization, the physical constitution of man, that this

race of organized banditti would be entirely extinct.

Having reserved his opinion upon the political causes which led to the present contest with the Mahratta states, and having offered the tribute of his unqualified applause to the marquis of Hastings and the army in India, he proceeded to the consideration of a more unpleasant and irksome subject. He ascribed great fairness to the manner in which his right hon. friend had stated the proceeding of sir Thomas Hislop, with regard to the garrison and the Killedar of the fort of Talnier. It appeared that government had directed a full inquiry into the subject, and, as far as government was concerned, the duty had been performed. It remained for the House of Commons to discharge their part; for in reviewing the circumstances of the case it must be admitted, that unless the Killedar could have been proved to have been accessary to the base treachery of the garrison, he was not amenable to our summary justice: if considered to be a rebel, it was to Holkar, and Holkar's government he was responsible. With this view of the subject he deemed it necessary that the House of Commons should accompany the vote of thanks which would speedily be presented to their notice, with the following resolution "That the House, in resolving to give its thanks to lieutenant-general sir Thomas Hislop for his military services, does not thereby intend to express any opinion respecting the execution of the Killedar of the fort of Talneir, of the particulars of which transaction the House is not yet in possession of satisfactory information." He lamented the necessity that he felt imposed upon him; he joined in all the praise bestowed by his right hon. friend upon sir T. Hislop for his military services, and his distinguished conduct at the battle of Mahidpore; but he conceived that no rank, however distinguished, no services, however splendid, ought to deter the House from dispassionately discharging their duty, if a fit claim were advanced for the discharge of that duty. He thought that a declaration of the nature he had mentioned was due to that part of the army to which the House was about to vote its thanks and approbation—it was due to the whole army collectively; but above all it was due to that population of India which, as it pays to you willingly and chearfully the humble tribute of their allegiance, expect in return from your corresponding duties, expect a maintenance and observance of those principles of justice and of honour which recognized in European warfare are, equally applicable to Indian hostility, those principles which soften the rigour and severity of war, and inculcate civilization even in the hour of conflict. With these impressions, he should move, when the vote was proposed, the resolution that he had lately read.

Mr. *Howorth* said, he could not withhold the tribute of admiration which was justly due to the candid and intelligible review which the right hon. gentleman had taken of the causes and events of the late war in India. There were circumstances, however, preceding that war, which, instead of lulling the governor-general into security, ought to have awakened his utmost vigilance and circumspection. He should not object to the vote of thanks to the noble marquis, because he thought that, after hostilities had commenced, the most laudable exertions had been made for prosecuting them with effect. It was certainly not satisfactory to find that the resolutions of parliament, so strongly and distinctly condemning the policy of extending our territorial possessions in India, were so often violated, without any investigation by the House of the reasons or necessity of that violation. He trusted it would not be the case with regard to the present question, and that a British House of Commons would not continue to view with indifference, the acquisition of extensive territories, and the transfer of millions of men from one government to another.

General *Grosvenor* said, he assented most cordially to every word which had fallen from the right hon. gentleman. He offered a few remarks on some of the operations of the campaign; and in particular alluded to the movement on Poonah. He remarked, of the 65th regiment, that it had this peculiarity attached to it, that three out of four of its field officers, acting as brigadier-generals, viz. brigadier-general Smith, brigadier-general Milne, and brigadier-general Fitzsimons, were all acting in the Decan.

Sir *Robert Wilson* said, he should not presume to engage the attention of the House, except for a few minutes. The able and eloquent statement of the right hon. gentleman who introduced the motion, had left too deep impressions of its

excellence for any one to presume to make more than a few cursory observations in compliance with his duty and feelings. He should abstain from entering into any discussion on the propriety or impropriety of the late war; on the policy or impolicy, on the justice or injustice, of the belligerent, or as it was called, defensive system, which had carried our flag from the shore of the Decan to the banks of the Indus; which had, within a century, converted a small factory into a greater empire than was possessed by any European power; but he could not help lamenting the necessity of what was termed an "irrepressible expansion;" for if that expansion should continue, if no check could be applied to it, he would defy any man to look at the map of Asia, and not see traced in unequivocal and transparent characters, an awful admonition, which it required no second Daniel to read and to interpret. His object in rising was, to concur with the motion of the right hon. gentleman, which proposed to confer the envied honour of the thanks of that House, on the commander, officers, and troops of the Indian army. He believed no army ever deserved them more—that no army was ever more distinguished for intelligence, valor, and general meritorious conduct. He was happy to have this opportunity, not only of paying a tribute of respect to his brother officers, but particularly to the officers of the East India company's service, many of whom he had known in conjoint service and on other occasions, and he had never known gentlemen who, from their information, varied knowledge, and general capacity, were more entitled to respect. With regard to the commander in chief, there could be but one sentiment. It was impossible not to contemplate with admiration his skill as a commander, and ability as an administrator; nor could we separate from our recollection his services as a British statesman, or virtues as a man. In each character, in every situation, he had founded indisputable titles to pre-eminent distinction; and his laurels would never fade, since the gratitude of the unfortunate, and the esteem of all who knew him, would minister to their growth and preservation. With regard to another transaction to which the right hon. gentleman had alluded, he approved of the course that had been adopted, and confessed that it had been done in so candid and manly a manner, that he was disposed now to prefer it to the one which he had suggested. He should, however, support the amendment of the noble lord, for it protected the character of the House from being committed, as it expressed no opinion which could prejudge the case in the opinion of the army and public. It afforded time for explanation of a transaction yet imperfectly known, and opportunity to a gallant officer, whose military services were undeniable, to show, as he earnestly hoped, that no part of his conduct had been at variance with the laws and feelings of his country.

Sir *James Mackintosh* hoped the House would excuse him if he offered himself to its notice for a few moments. It was impossible that a more just or concise notion of a series of important events could have been communicated than in the clear, candid and eloquent statement of the right hon. gentleman. He fully concurred with every part of that admirable speech, reserving only the right of forming his opinion hereafter upon a proceeding with respect to which they had not at present adequate information. As to the praise bestowed on the skill and conduct of those officers who had conducted the late military operations, he felt no small satisfaction in declaring his most cordial concurrence therein. Every man who had known the marquis of Hastings as long as he had known him, must be gratified to join in any vote of thanks, so amply merited, to an amiable and generous individual. He was happy also to accord with the commendations passed on several officers, in whose society he had experienced much happiness, and with whom he had formed connexions which he hoped would not easily be dissolved. Sir John Malcolm and Mr. Elphinstone were men of whom any service might be proud. One of those gentlemen, although bred to the civil service, had, before he became a great general, shown himself to be a hero at the battle of Assaye. With regard to the eulogy so justly pronounced on captain Staunton, he doubted whether any exploit in modern war of a more brilliant character could be adduced. He agreed that it was right, in reference to the case of general Hislop, to allow him at present the benefit of all those presumptions in his favour which could arise from his own character, and from the approbation of lord Hastings. He believed, and he most sincerely hoped, that he would be able to explain the trans-

action on which the House now found it right to withhold the expression of any opinion. As the case now appeared, it was certainly difficult either to justify or extenuate the proceeding. His anxiety was the greater on this occasion, because having had the honour to administer justice in that country, he felt an inviolable obligation imposed on him to see the rights of the Indian population protected, but above all, those rights of civilized war, which were the more valuable in their preservation, as they went to bound and limit the greatest of all possible evils [Hear, hear!].

Sir *W. Burroughs* denied, that during the last five-and-twenty years any of the wars in India had been caused by British aggression. The thanks of the House were, however, due for military services, independently of the justice or policy of the war. No praise, indeed, could be too high for the zeal and energy with which our affairs had been administered in that part of the world. We held our conquests there, as no empire was ever before maintained in security. No Marius or Sylla had ever sprung up among the subjugated nations, because they were mildly governed, and because the army was chiefly composed of native levies. The great emigration from neighbouring states into our territory was a convincing proof of the beneficial influence of our government.

The vote of thanks to the marquis of Hastings was then agreed to *nem. con.*

Mr. *Canning*, on proposing the second resolution, expressed his hope that no inference would be drawn from the present selection of names, derogatory to the merits of those who were not mentioned in the enumeration. It was not usual to include brigadier-generals in such a vote, but he had gone out of the ordinary course so far as to comprehend sir John Malcolm and general Smith: and he hoped that, when the state of the Indian army was considered, no objection would be made to this deviation. He then moved, "That the Thanks of this House be given to lieut. general sir Thomas Hislop, K. B.; major-generals sir Dyson Marshall, K. B.; sir Rufane Shaw Donkin, K.C.B.; sir William Grant Keir, and Thomas Browne, brigadier-generals Thomas Munro, C. B.; John Doveton, C. B.; sir John Malcolm, K. C. B.; Lionel Smith, C. B.; and to the several Officers engaged in the late operations in the East-Indies, for their indefatigable zeal and exertions throughout a long and eventful Campaign."—This resolution was agreed to *nem. con.*; as was also the following: "That this House doth highly approve and acknowledge the general discipline and bravery displayed by the Non-Commissioned Officers and Private Soldiers, both European and Native, employed in the late Campaign in the East Indies; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant behaviour."

Lord *Morpeth*, in rising to move the resolution of which he had given notice, said, that as he did not anticipate any objection, he should not detain the House by any farther observations. He only availed himself of this opportunity to declare, that no hon. gentleman opposite, he might even say no friend of sir Thomas Hislop, could be more sincerely desirous than himself, that this proceeding should receive the most satisfactory explanation. He then moved, "That this House, in resolving to give its Thanks to lieutenant-general sir Thomas Hislop for his military services, does not thereby intend to express any opinion respecting the Execution of the Killedar of the Fort of Talneir, of the particulars of which transaction the House is not yet in possession of satisfactory information."—Agreed to.

BANKRUPTCY COMMISSIONERS COURT.] Mr. *Wrottesley* reminded the House that he had last session been the cause of a committee being appointed to inquire into the expediency of removing the sittings of bankrupt commissioners from Guildhall to some other place. All had not agreed that they ought to be removed, but no one had denied that there was not sufficient accommodation for them in Guildhall. He was of opinion that they might be advantageously removed to Furnival's-inn. He did not scruple to say that the savings which would arise from the change he proposed, would, in a few years, cover the expense of providing a building fit in every respect, for the reception of the commissioners. He then moved, "That a Select Committee be appointed, to consider of a proper piece of ground for erecting a suitable building for holding the public and private meetings of the commissioners of bankruptcy, and for the transactions of all business in

bankruptcy; and that they do report the same, with their opinion thereupon, to the House."

Mr. *J. Smith* thought the motion unnecessary, as the city of London had offered Blackwell-hall for the purpose.

Mr. Alderman *Wood* believed this motion was brought forward on some speculation connected with Furnival's-inn. It would be inconvenient to remove the sittings of the commissioners from where they had always been held.

Mr. Alderman *Waithman* opposed the motion. The commissioners were, in his opinion, too numerous, and he could wish them reduced from seventy-two to six or or eight. The want of accommodation of which they complained might be in part removed by themselves, if they would appoint different hours for the meetings of creditors.

Mr. *Courtenay* was astonished at the opposition which this motion had received, since it was admitted that at present the commissioners had not proper accommodation.

Mr. *Wilson* said, if the city did not give the piece of ground they had offered, then it would be proper to send the subject to a committee. At present he objected to the motion.

Mr. *Harvey* showed the present system to be very defective altogether, but could not think it would be an advantage to transfer the sittings of the commissioners to Furnival's-inn.

The House divided: For the motion, 67; Against it, 22. A committee was accordingly appointed.

HOUSE OF COMMONS.

Friday, March 5.

Coal Duties.] Mr. *E. Littleton* said, he held in his hands petitions from several parishes in Staffordshire, praying that no alteration might take place on the duty on coal. He would enter into no discussion on the subject, as he was quite satisfied with the declaration of the chancellor of the exchequer last night, that he would oppose any motion for a committee.

Sir *C. Burrell* condemned the system of giving one part of the country an exemption at the expense of the rest. Not long ago, for the sake of a few counties interested in rock salt, a great portion of the country was subjected to considerable sacrifices. In like manner, the iron manufacturers now wished to enjoy an immunity from taxation at the expense of the inhabitants of the coast. He hoped, however, a committee would be appointed to investigate the subject thoroughly.

Mr. *Cripps* said, if the measure of an equalization were carried into effect, it would be attended with the most ruinous consequences to the large establishments of Yorkshire and Gloucestershire.

Mr. *Barham* said, there were but two questions to be considered; one, whether the petitions should be brought up; the other, whether they should be laid on the table. If gentlemen did not mean to object to either of these stages, he thought it was irregular to enter into discussion on the subject.

Mr. *Lambton* said, it was perfectly competent to any member, on an occasion like the present, to discuss any subject in the body of the petition, or any statement made by the member who presented it. This was a question of the greatest importance to many parts of the country, and the constituents of many members were deeply interested in it. These members would not do their duty to their constituents if they did not second their wishes. The hon. member for Staffordshire had done his duty to his constituents—he had raised a cry against the measure of an equalization, by which, according to him, the country would be ruined. His "country" consisted of a few ironmongers, who naturally enough wished to remain exempted from a tax which pressed heavily on others. But, whatever might be the case with respect to the iron manufacturers, the poor of the county of Stafford, so far from being injured by an equalization, would be greatly benefited by it. They would obtain coals cheaper in consequence of the equalization, as there would then be a free market.

Mr. *Philips* said, it would be very unfair to subject those manufacturers which had grown up under the exemption, to a taxation on coal. But the manufacturers, while they opposed the imposition of a tax on themselves, did not wish the continuance of the tax on the districts on which it already operated. If, instead of contending for an equalization of the tax, these districts proposed the repeal of it, they would meet with very general support. There never was a tax imposed more at variance with all the principles of economical science. There were, therefore, the best reasons why the tax should not exist at all. But an equalization would

produce a very different effect from what many of the petitioners for it expected. One of the causes of the great superiority of our manufactures was, the abundance and cheapness of coal. In several manufactures, a very slight tax on coal would be attended with ruinous effects.

Mr. Alderman *Wood* contended, that the object of the inland manufacturers, judging from their petitions, was, that there should be no alteration in the duty at all. He maintained that a duty of 1*s.* on the ton of coals at the pit's mouth, would only add 4*s.* to the price of the ton of iron. The iron manufacturers knew that this could easily be proved in a committee, and therefore they endeavoured by clamour to prevent the appointment of a committee.

Mr. *Dickinson* said, he should oppose the measure of going into a committee. What ground was there for going into a committee? The tax was imposed under ancient acts of parliament, and the citizens of London had acquired and rented their properties with the knowledge of this burthen.

Mr. *E. Littleton* said the hon. member for Durham had intimated, early in the session, that he intended to bring in a bill on this subject. He wished to know when it was proposed to carry this intention into execution.

Mr. *Lambton* said, he had not yet communicated with his constituents on the subject; but the member for Surrey had given notice of his intention to propose a bill.

Ordered to lie on the table.

Limerick Election — Petition of Mr. Spring Rice.] Mr. *Abercromby* presented a petition from Thomas Spring Rice, esq. the unsuccessful petitioner, against the return of the sitting member for the city of Limerick. He believed there was but one feeling in the House as to the hardship of the petitioner's case. The petitioner, however, did not now come forward with any expectation of redress, but to draw the attention of the House to the defective state of the existing law.

Sir *John Newport* knew not whether redress could be given to the petitioner; but it became him to say, that provision should be made to prevent a recurrence of such a case in future. The act said, that a copy of the poll, verified by the clerk of the peace, and deposited among the records, should be considered sufficient evidence. But, what he wished particularly to call the attention of the House to, was, that the committee had ordered the poll-clerk to be brought over. What would be the consequence of such a precedent? Thirty or forty poll-clerks would have to be called over from Ireland on every future petition against an election. He wished the decisions to be reduced to one definite rule, and not left to the discretion of a committee: he wished that the petitioners should not be left to as many conflicting opinions as there were members in the committee.

Colonel *Barry* hoped that some legislative enactment would be made on the subject.

Mr. *Sturges Bourne* was free to admit the excessive hardship of the petitioner's case; but there was no evidence before the committee that the poll-books were genuine, and though the petitioner requested that the committee would apply to adjourn for ten days, to enable him to procure witnesses from Ireland, yet the committee felt, that in yielding to this request they would have done injustice to the sitting members, who had witnesses in London at a great expense.

Mr. *Abercromby* disclaimed all intention of making any illiberal remarks on the members of the committee. The tendency of his observations was, to amend the law.

Mr. *Wynn* deprecated discussion on this subject at present. He thought that the petition, although it only prayed for the amendment of the law, implied a reflection on the committee. Fifteen gentlemen, sitting on oath, had come to a decision, and it was not fit that that decision should be questioned. It was at present inconvenient to discuss the propriety of amending the law, and it was at all events unnecessary, as the House had ordered the minutes, and notice had been given of a motion to amend the act.

Ordered to lie on the table.

Half-Pay Officers.] Mr. *Lyttelton* wished to ask the noble lord opposite whether any resolution had been come to regarding the oath to be taken by officers on half-pay, at the time of receiving their half-pay?

Lord *Palmerston* said, he had not been able to give a satisfactory answer last session to a similar question from the hon. gentleman; but he now had it in his power to tell the hon. member, that it had

been thought expedient so far to relax the rule referred to, that whereas by the present regulation no officer could receive his half-pay without making an affidavit that he held no other place of emolument, civil or military, under his majesty, it had been resolved to substitute an oath, that he held no office, civil or military, under the crown, exceeding three times the amount of his half-pay, which was computed to be equal to about twice the amount of his full pay; and considering that the greater number of officers, particularly inferior ones, had little chance of future employment, he hoped the House would not look upon the amended regulation as too liberal.

Mr. *Lyttelton* said, the answer of the noble lord was entirely satisfactory.

HOUSE OF LORDS.

Monday, March 8.

CHIMNEY SWEEPERS' REGULATION BILL.] Lord *Auckland*, in rising to move the second reading of this bill, expressed his sincere hope that time and reflection had removed the objections which existed to this measure in the last session. The present bill was the same, with the exception of a few clauses, as that which had then come before their lordships, and the consideration of those clauses he should reserve for the committee. The principal means by which the object of this bill was proposed to be attained, was, by repealing the act of the 28th of the king, and limiting the number of apprentices. After the 1st of May 1821, the use of climbing-boys, except for the purpose of examining chimnies, would be done away altogether. This prohibition naturally gave rise to two questions; first, whether it was necessary for the protection of the boys employed in sweeping chimnies; and, secondly, whether it was consistent with the security of houses against fire, that it should be enforced. Upon the first of these questions he could not anticipate any difference of opinion: it was impossible to see the unfortunate children to whom the bill applied, hourly in the streets, without experiencing the most painful emotions. Who could read the evidence which detailed the great privations and distress which they endured, without wishing to rescue them from such a state of degradation and misery? Their lordships would never permit their fellow-creatures to continue subject to such tortures as those to which these poor creatures were exposed, when they had it in their power to relieve them. This bill had been called a violent interference with the rights of individuals. On his part, he considered it a necessary measure, to protect from violence innocent children. With regard to the question of safety, it had been found that all chimnies, except a few in the houses of the rich, could be swept by machines of one kind or another. It was, indeed, thought by some, that after the introduction of machinery, boys would still be necessary to examine chimnies; but if that should be the case, it would be a less evil than the present practice. An order had been issued to the surveyor-general of the board of works, to ascertain the practicability of superseding the necessity of employing climbing boys in the sweeping chimnies by the use of machinery, and to the result of the experiments made under that order he could with confidence refer. Though colonel Stephenson thought it impossible to sweep all chimnies at present with machinery, yet, as there were but few flues to which some sort of machinery might not be applied, and these were all in the houses of the rich, it was obvious, that all the necessary alterations could easily be made before the period of the operation of this bill arrived. He had remarked, that those who doubted the practicability of the abolition of climbing-boys were chiefly those who had least experience on the subject. This might be illustrated by reference to the report. It would there be seen that Mr. Davis, who had been employed to make the experiments, spoke with the greatest confidence of the application of machinery. That gentleman had divided the flues at present in use into four classes, according to the order of their construction and the difficulty of clearing them, and it was worthy of remark that the constructions which were most easily cleaned were the most numerous. The relative proportion of the different classes of flues were thus stated by Mr. Davis. Out of 1,000 flues, there were of the first class 910, of the second 50, of the third 30, and of the fourth or most difficult only 10. It had been stated in the evidence of last year, by gentlemen on the part of the insurance companies, that if machinery was used it would be necessary that climbing-boys should examine the chimnies after they were swept. This was provided for by the present bill. He might be asked, of what use then was

the bill, if these boys were still to be employed. To this he would answer, that the number would be diminished, and that was a great step towards the total abolition. The proportion required, after the operation of this bill, would not be more than one boy for every hundred now employed. To another objection, that the bill would have the effect of turning many boys out of employment, and throwing them, destitute, on the parishes, he should only remark, that before the period fixed for the commencement of the bill, the great majority of the boys now employed in sweeping chimnies would become totally unfit for business. The noble lord concluded by moving, that the bill be now read a second time.

The Earl of *Lauderdale* was sorry to hear that the noble lord was determined to push the present bill onwards at this time. Their lordships had lately heard complaints of the encouragement given to machinery, in preference to manual industry. Now, though he differed most completely from those who cherished the prejudice he alluded to—though he was convinced that the introduction of machinery had not only had the effect of enriching the proprietor, but also of enabling the workman to live better and cheaper than he otherwise could have done—yet there certainly was some difference to be drawn between their encouraging and enforcing the adoption of machinery, and especially when those persons who best understood its application in the way of trade were against its introduction at all. This species of legislation he would resist to his latest breath; and he could only account for its introduction on the score that every man who got into parliament thought himself bound to propose some novel measure, in order to become popular—a notion or persuasion, or whatever else it might be called, than which none had ever been conceived more mischievous to the interests of the people, nor more degrading to the dignity of the legislature. If their lordships were determined to adopt such a course, they must introduce a code of moral legislation unknown to their ancestors, and quite unsuited to their habits and laws. The better way, in his judgment, would be to leave reforms of this kind entirely to the moral feeling of, perhaps, the most moral people, on the whole face of the earth. At all events, he disliked a prophetic legislation, which pre-supposed that our successors would be neither so enlightened or benevolent as ourselves, and accordingly bound them over to their moral good behaviour. He most sincerely wished that sweeping by machinery was so perfected as to justify the disuse of climbing boys; but this did not appear to him to be the fact, and, although no stranger to emotions of humanity, he could not suffer his humanity to run headlong with him, and thereby risk the incurring of those accidents which the metropolis and populous towns might suffer from fires. He was satisfied that the humanity of the country would be as much alive two years hence to the situations of sufferers of every kind, as it appeared to be now, and that the resistance he offered to the present bill would not retard the abolition of the use of climbing boys for one single hour.

Earl *Grosvenor* thought that if the measure was proper to be adopted, it should now receive the sanction of parliament; for, if two years were suffered to elapse, parliament might then suppose that it had been postponed as injudicious and impolitic. Possibly he might, in supporting the present bill, be accused of inconsistency, having appeared to adopt a different course with regard to the children employed in cotton factories; but the cases were essentially different. In that of the climbing boys, actual inhumanity was practised, but in that of the cotton-spinners, no objection of that nature was made, and their employment, however injurious it might eventually prove to health, was not accompanied by positive cruelty.

The Earl of *Harrowby* was surprised to hear an objection made to the bill, on the ground of its being prospective. That was a quality common to many acts, and in a measure of this nature was unavoidable; for time must be allowed for making the alterations in flues to which at present machinery could not be applied. If, when the time arrived, further time should appear necessary for accomplishing this object, parliament could suspend the operation of the present bill. The noble earl had objected to legislating on feeling; but if in this case their lordships were convinced that there existed a great mass of human misery, which it was in their power to remove, it was their duty to act on that view. What relation had this principle of action to the introduction of a moral code? It was not proposed to pass a law with reference to moral conduct

generally, but to apply a practical remedy to an existing evil. Their lordships well knew that, in a great country like this, some inconvenience was to be expected in any change of practice, however desirable that change might be; but the inconvenience in this case dwindled to nothing when compared with the act of humanity which was to be performed. The houses in which it was necessary to make alterations belonged to individuals who could easily sustain the expense, and he doubted not that they would be made before the period fixed for the operation of the bill.

Lord *Melville* was sorry that he could not give his support to this bill. Before their lordships made up their minds to pass it, he hoped they would well consider what was said by the surveyor-general in his report, namely "that the total abolition of climbing boys in the sweeping of chimnies was at present impracticable, and could not be attempted without incurring much risk of danger to the general safety of the metropolis." This opinion, from such an authority, made him hesitate to concur with his noble friend in voting for this bill.

The House divided: Contents 17; Not Contents 14. The bill was then read a second time.

HOUSE OF COMMONS.

Monday, May 8.

CRIMINAL LAWS.] Mr. *Sinclair* said:—In presenting to the House a petition from Stockton, &c. which entreats us to take into our earliest consideration the state of the criminal code, I cannot but reflect, with unmingled satisfaction, that this prayer has already been complied with; and that the numerous petitions on this subject, which are preparing in every part of the kingdom, might, without impropriety, be converted into addresses of thanks and congratulation. I am convinced that the decision of a former night has been hailed with unanimous exultation throughout the country; and that the people have recognised the wisdom and ratified the judgment of their representatives. They will rejoice that this momentous question, so closely interwoven with our national morals, and consequently with our national happiness, has been referred to an enlightened committee, which will conduct its inquiries not only without prejudice and without precipitation, but without either incumbrance or delay. They will feel, that though the questions of prison discipline and the penal code are sufficiently connected to afford a pretext for crowding them together, they are also sufficiently distinct and disjoined to admit, with advantage, of a separate investigation. If we look, Sir, to the motives which led to this great and important decision, we must, in the first place, ascribe it to the previous verdict of a tribunal, to which even the omnipotence of parliament ought to bow; I mean the verdict of public opinion, which has loudly and unequivocally pronounced upon the penal code, as it stands in the statute book, a sentence of indignant condemnation. But we should indeed be ungrateful and inexcusable, if, in specifying the causes of our triumph, we were deficient in paying homage to the luminous, impressive, and dispassionate speech by which the motion of a former night was introduced. In alluding to that master-piece of eloquence and wisdom, I am confident that I express the universal feeling of the country, when I call upon, or rather beseech, the hon. and learned gentleman to delight and instruct the world, by presenting that speech to the public in a full and authenticated form; a speech which, by the force of its reasoning, must subdue the understandings of the prejudiced, and at the same time, by the magic of its eloquence, must come home to the hearts of the unconcerned. In speaking of the penal code, we have frequently been cautioned to make no appeal to the passions; but I ask, Sir, how is it possible to consider its present state and tendency, without being impressed with such feelings as I suppose I must not venture to define? What can we say of a code, which is, in theory, the most severe, and, in practice, the least efficient, that exists in any part of Europe? a code, which is only tolerable or even defensible on account of its imperfect execution. For although we are triumphantly reminded of the great disproportion which exists between the aggregate number of convictions and the relative proportion of executions, that very disparity which proves the mild administration of the law demonstrates with equal self-evidence, the incredible harshness of its enactments—a harshness, which is not only unparalleled in degree, but totally impracticable in application. What shall we say of a code, which, if strictly, or even mode-

rately, enforced during a single year, would deluge every part of the country with such an effusion of human blood as would appal the most unfeeling, and startle the most indifferent? A code, too, which turns the tide of popular feeling into the most pernicious channel in which it can possibly run; since it enlists the general sympathy on the side of the malefactor, and transfers the indignation of the people from the crime against which it ought to be directed, to the law by which that crime may be punished, with a severity which becomes equivalent to injustice. As long, Sir, as offences of most unequal enormity may be visited in the same day, on the same scaffold, by the same fate, so long will those wretched individuals who for minor and comparatively venial crimes are exposed to the utmost vengeance of the law, be considered (not merely by the multitude, but by every enlightened friend to humanity), rather as martyrs to its rigour, than as victims to its justice. I am sensible that I have already abused the patience of the House, but I wish to touch briefly upon a subject which I think was not very fully dwelt upon in the course of the late discussion; I allude to the impression produced upon the public mind by the frequent recurrence of executions. It has sometimes been maintained that they are necessary for the sake of warning and example; but I feel anxious to corroborate, from my own observation, the opinion of those gentlemen who think that the effects which they excite are diametrically the reverse. Sir, in consequence of arriving at an early hour from the country, I had occasion to pass by the Old Bailey, on the morning when certain unhappy malefactors expiated the crime of forgery by the forfeiture of their lives. I averted my eyes, with unaffected concern, from a sight so painful to humanity; but the spectacle which I was compelled to witness, during my slow and impeded progress through the crowd, was such as to shock me still more. If, Sir, I could depict to the House the various but equally revolting emotions which might be traced in the countenances of all who surrounded me; the impatient curiosity of some, the brutal apathy of others, the thoughtless levity, the indignant horror, and even the savage satisfaction which the features of the different spectators exhibited; if I could describe the eager struggles which ensued in every quarter for a nearer approach to the scaffold, and the indecent alacrity with which many—nay, I blush to add, even females were hurrying, in every direction, to the place of execution—it would, I am persuaded, be the opinion of all who hear me, that the frequent repetition of these awful solemnities only tends to familiarise men's minds to their recurrence. If any thing be learnt by those who habitually frequent them, it is to look forward with comparative unconcern to the pain or ignominy of such an exit, and, instead of taking warning from the fate of others, they gradually become callous to their own.

Ordered to lie on the table.

Coal Duties.] Mr. *Edwards* presented a petition from Mr. Crawshay, of Merthyr, in Glamorganshire, against the imposition of any general tax on coal. He stated that the petitioner was the largest individual ironmaster in the empire, or perhaps in the world, and that from the quantity of capital he had invested on the faith of the existing laws, he was entitled to consideration from the House. The petition stated many of the reasons which showed the impolicy of the proposed measure, in which he (Mr. E.) concurred. From the variety in the quality, and consequently in the value of coal, in the facility of digging it, and the expense of carriage from the pits, no general tax on its production could by possibility be equal. He urged the House to oppose the proposition for a general inland tax on coal, as a measure unjust in principle, and as particularly ruinous in its effects in the present state of the manufacturing and agricultural interests of the kingdom.

Ordered to lie on the table, and to be printed.

Penryn Election.] The Chancellor of the Exchequer having moved the order of the day for resuming the adjourned debate upon the amendment proposed [26th February, see p. 712] to be made to the question, "That Mr. Speaker do issue his warrant to the clerk of the crown, to make out a new writ for the electing of a Burgess to serve in this present Parliament for the Borough of Penryn in the room of Henry Swann, esq. whose election has been determined to be void;" which amendment was, to leave out from the word "do" to the end of the

question, in order to add the words, "not issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present parliament for the Borough of Penryn, until the House shall have proceeded to take the said Report into further consideration," instead thereof,

Sir *Charles Burrell* began by declaring, that he had no connexion whatever with the committee whose report suggested to him the propriety of the motion with which he meant to conclude, nor with Penryn itself, nor with any of the parties concerned in the recent election. But he felt it his duty as a member of parliament to submit the case to the judgment of the House, leaving it to its own discretion to determine, as to its sense of justice might seem meet, upon a full consideration of all the merits of the question. The minutes of evidence taken before the committee were in the hands of the members, and they presented such a view of the practices which prevailed in this borough, that he thought it impossible for the House, consistently, to abstain from some special proceeding upon the subject. The House was called upon to consider, not only the bribery and general corruption which the evidence disclosed as to the late election, and the inconsistencies in that evidence, but the understanding which prevailed as to the usually corrupt habits in this borough. In defence, indeed, of the rights of their fellow subjects, the House was bound to take this case into its serious consideration. He had taken an abstract of the evidence as it appeared in the minutes upon the table, in order to show the grounds upon which he proposed to proceed. The first witness called for the petitioner was Henry Carter, who deposed, that Mr. Swann said to him that he expected that the witness wanted money as well as the rest—that accordingly, Mr. Swann offered witness a five pound note, which was afterwards received by witness's wife, telling him that he should have five pounds more after the election, adding, that sir C. Hawkins would be answerable to pay the witness ten pounds more, if he (sir C. H.) were brought in, making on the whole twenty pounds. This witness further stated, that he voted for Mr. Swann, but not for sir C. Hawkins. It was but justice to state, that this witness prevaricated very much in the course of his cross-examination. The next witness examined was Thomas Rosman, who deposed, that Mr. Swann promised him a situation if he would give him his vote, and that he received five one pound notes from his wife, which was given by Mr. Swann, as witness understood. Mr. S. told witness that he (Mr. S.) had given money to his wife. The vote of witness, which he tendered for Mr. Anderson, and sir C. Hawkins was rejected. Witness did not, however, return the money which his wife received from Mr. Swann, and he declined to state the reasons which induced him not to tender his vote for that gentleman. Edward Rosman the son-in-law of the last witness, deposed, that Mr. Swann threw a five pound note upon his mother's bed, between six and seven o'clock in the morning of the 15th of June, to induce witness's father-in-law to vote for him, witness being at the time a-bed in the same room. Witness having lived at Penryn since he was a child, remembers that "Penryn breakfasts" mean giving of money by the candidates to the voters after an election. John Gill deposed, that upon Mr. Swann's application to him for his vote, witness told him he must have 15*l.* for his vote. Mr. Swann, hugging him round the waist, between five and six in the morning, told him to go to Abey Winn, who gave witness 6*l.*, but saying that the 15*l.* he demanded should be made up to him after the election was over. Witness, however, regarded the 6*l.* as not enough, as "a mere fly," as he called it, but still retaining that money, he voted for Mr. Anderdon and sir C. Hawkins. Witness declared that he did not receive any money from those for whom he voted, but that he was promised more than six pounds at different times. Upon the question being put whether the witness who has lived fourteen years at Penryn, knew for what purpose voters want a "breakfast" after an election, he declined to answer it. William Timmin deposed, that he saw Mr. Swann in presence of Mr. Goodeve, give 8*l.* to Chas. Lucas, and for his vote I heard him promise Lucas 5*l.* more after the election. Witness was appointed by Abey Winn to stay with a voter of the name of Lampshire all the night before the election commenced, on which night Lampshire supped in company with Mr. Swann and Abey Winn, and that in the morning Lampshire went to the poll, declaring that he would not poll for Mr. Swann unless paid by Wynn; that on his return from the poll Lampshire showed witness some notes

which Lampshire said he had received from Winn. Witness stood behind a screen in the room where Mr. Swann supped with his friends, on the night before the election, having been ordered by Winn, for whom he usually worked, to stop there in order to prevent Mr. Swann from experiencing any interruption. Abey Winn was generally an active man in the Penryn elections. Thos. Cock deposed, that he saw Mr. Goodeve give Lucas 8*l.* which he received from Mr. Swann at the house alluded to by the last witness, and that he also heard Goodeve promise Lucas 5*l.* more after the election. Witness saw Mr. Durnsford, a friend of Mr. Swann's give Mrs. Trathen the 16*l.* in her husband's presence, as well as in the presence of Mr. Swann, to induce the former to vote for the latter. Witness followed Mr. Swann through Penryn previous to the last election, believing that he was bribing, as witness understood that he had usually done at former election.—William Hellard deposed that he saw the 16*l.* given to Trathan, as alleged by the last witness, and that Goodeve and Durnsford the friends of Mr. Swann, were master-brewers at Penryn.—James Cock deposed that Mr. Swann gave his wife some silver in his presence, in order to induce him to give his vote for him. Witness heard of the "breakfasts" after the election; but never heard of the electors receiving 15*l.* 18*l.* or 20*l.* each for their votes.—Francis Major deposed, that he received 10*l.* from Mr. Swann, to induce him to vote for that gentleman, which he did, and he received 2*l.* after the election from Abey Winn.—Here the case was closed on the part of the petitioners; and John Goodeve, adduced on the part of the sitting member, denied the allegations of bribery deposed to by the witnesses on the other side, and in which he was stated to have been a party. Witness, however, declined to answer a question with regard to an offer stated to have been made by him to an elector of the name of Jenkins to induce that elector to vote for Mr. Swann.—Wm. Trathan being adduced, it was decided by the committee that he was a competent witness as to the general transaction of the election, but that he could not be examined to rebut the evidence of the fact of his having been bribed himself, that is, that he should not be allowed to say any thing in vindication of his own character. Upon what ground the committee had come to this decision, he (sir C. B.) declared himself incapable of comprehending; for a witness having sworn to tell the truth and the whole truth, it appeared very extraordinary that the tribunal before which that oath was administered should determine that he should tell only a certain part of the truth. But he would make no farther comment upon this part of the transaction. It was open to the House to draw its own inference from the minutes. Trathan stated, that Mr. Anderdon, the petitioner promised to make him master of one of his vessels, if he (witness) would vote for him, and that Mr. Mitchell an attorney, was present at the time that promise was made, as was Mr. Williams at the repetition of it on the next day. Peter Brabin deposed, that Mr. Anderdon called upon him immediately before the last election to solicit his vote, he was accompanied by Mr. Sewell. Witness hesitating to make any promise, Mr. Sewell beckoned him into a small passage where he went with Mr. S. alone; but upon the question being put as to what passed in that passage, the counsel for Mr. Anderdon objected to the admissibility of the evidence, while the counsel for the sitting member contended that it was admissible to show that Sewell was the agent of the petitioner, and the committee decided in favour of the objection of the petitioner's counsel. Upon what ground this decision was pronounced, he could not at all imagine. Robert Earle deposed that he heard Thos. Toy say, in presence of Mr. Anderdon, at a public meeting, on his first appearance at Penryn, that he was the son of a very respectable gentleman in London, as well as the son in law of Mr. Manning, one of the bank directors; adding, that Mr. Swann had never paid the "breakfast," and was not likely to do so on this occasion, but that Mr. Anderdon would stand or fall by the electors. Lord de Dunstanville, the hon. baronet observed, was, as it appeared from the evidence, the recorder of Penryn, and that a certain action brought against one of Mr. Swann's supporters was compromised under mysterious circumstances. The last witness examined was Oliver Gregory, who contradicted the evidence of Peter Brabin, by alleging that the latter told him, during the last election at Penryn, that Mr. Swann had given him (Brabin) 25*l.* for his vote. The hon. baronet, after shortly recapitulating his statement of the evidence, expressed his conviction that some proceeding should be taken by

the House, not upon any visionary view of reform, but in order to prevent the recurrence of such scandalous corruption as marked the conduct of the electors of Penryn, either by throwing open that borough to the inhabitants of the vicinage or by such other measure as to the wisdom of the House might appear expedient. He concluded with moving as an amendment, "That a Committee should be appointed to make farther inquiry with regard to the corrupt and illegal practices proved by the minutes on the table to have taken place at the election of Penryn, and to report their opinion thereupon to the House."

The *Speaker* begged to suggest that this motion could hardly be received as an amendment on the motion for a new writ. The universal practice in such cases had been, to move that the Speaker should not issue his writ till a certain day, and thus put off the proceeding, from time to time, till a decision had been come to on the merits of the case.

Sir *C. Burrell* felt obliged to the Speaker for setting him right, and the amendment being withdrawn, he proposed another amendment to the question, by adding the words "not issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Penryn, in the room of Henry Swann, esq. whose Election has been determined to be void, before this day month."

The *Chancellor of the Exchequer* said, he felt great difficulty in rising to discuss this question, as he must confess that he had not been able to pay that close attention to the subject which it deserved from its importance, not only to the character of many individuals, but to the character of the House itself. He, however, could find in the statement of the hon. baronet nothing that ought to induce the House to alter the constitution of the borough in question, by throwing it open to those who had not heretofore enjoyed the right of voting. It had undoubtedly been shown, that several instances of bribery had occurred, but nothing had been proved that went so far to inculpate the great body of the electors, as to justify a measure of such severity. In a case where the punishment must fall on the innocent as well as the guilty, the House ought to pause before they decided on taking the course which had been recommended to them. He could not conceive a more injurious precedent than that which would be established if the House were to appoint one committee, as had been proposed, to try the decision of another with the same witnesses, to examine with precisely the same means of obtaining information. The result of this might be, that the two committees would make reports of an opposite character, and then he could wish to know what part the House was to act. In every former case, where a borough had been thrown open, it had been proved that a great majority of the voters were corrupt. In the present instance, this had not been proved; there had indeed been a good deal of loose surmise, and a great deal of gossip and tittle-tattle, but nothing had been positively proved against the great body of the voters. Under these circumstances, he trusted the House would not go farther against the electors generally, whatever steps they might feel themselves called upon to take in order to punish particular individuals.

Sir *James Mackintosh* said, he had listened with some attention to the few arguments which the right hon. gentleman who had just sat down had employed in the course of his speech. By so doing, he had discovered that the right hon. gentleman had entered into reasonings which were, in their tendency, of much greater importance than the original question itself. That question, however, was one of the most important questions that could come before them; and, in the present temper of the country, was rendered more important than ever, inasmuch as it was necessary to show the disposition of the House with zeal and vigour, where such corruptions as had been just produced were brought before it. He was therefore sorry to hear the words gossipping and tittle-tattle applied to facts which were so well substantiated, because they were not the words which a minister of the crown ought to apply to such heinous breaches of the constitution as had been reported to the House. He should almost suppose that the chancellor of the exchequer had not heard the speech of the hon. baronet as he had so completely mistaken its tendency and bearing. The hon. baronet had not talked of disfranchising the borough; he had only told them that there was a *prima facie* case of bribery and corruption

established against it, which called for the strictest examination, and which ought, therefore, to be investigated most narrowly in justice to the House, the country, and the borough which was so strongly implicated in it. As the hon. baronet had not said a word about disfranchisement, the arguments used against it were inapplicable, and did not require any notice from him. He could not, however, in justice to that hon. member, refrain from saying, that his conduct in this business had been highly laudable, and had given him a fair title to the thanks of the House and the country, inasmuch as he had brought the question forward in a manner well calculated to reconcile the people to the laws and constitution as they existed. At present, any man who had read the minutes of evidence, must have seen that there was a complexion of corruption in the whole business from beginning to end; and the question in consequence was, whether it was such a colour and such a complexion as authorized inquiry? In his opinion it certainly was sufficient, especially when he recollected what the chancellor of the exchequer seemed to have forgotten, that, a few years back, the election of the members returned for Penryn had been voided on account of bribery. With regard to the argument that the appointment of another committee would be to retry the case, he maintained that it would be no such thing. The former committee had concluded its sittings, had given in its report, had declared the sitting member to be unduly elected, and nothing could again call it into existence. The committee now moved for had not to renew the investigation which the previous committee had begun; it had only to inquire, whether the borough of Penryn had not been guilty of such corrupt and illegal practices as required the interference of parliament; and whether its inhabitants had not betrayed the most sacred trust which could be confided in them—the privilege of election. But then, says the chancellor of the exchequer, the House has not the power of examining witnesses upon oath. What then had become of those decisions which had been made previously to the passing of the Grenville act? If the right hon. gentleman meant to say, that the House could, under no circumstances, administer an oath, what did he say of the proceedings in impeachment, or what, in the proceedings, which he did not mean to defend, on bills of attainder? To use such language was to arraign the principle on which our forefathers had acted, and was calculated to bring into contempt both the justice and the jurisdiction of the House. He therefore must treat every objection which was founded on the principle that the House was not able to administer on oath, as irrelevant to the question. The hon. gentleman then proceeded te argue on the necessity of appointing another committee, because the last-appointed committee had no right to inquire into the corrupt practices which had existed previously to the late election. Great evidence of them had come incidentally upon their minutes, though, in his opinion, it was not sufficient to disfranchise the borough of Penryn. It was however worth considering, whether these incidental discoveries were not such as ought to lead the House to prosecute the investigation further, and to reflect, whether they ought not to transfer the elective franchise to those who would make a better use of it than its present possessors. Such a line of conduct was most calculated to vindicate the honour and integrity of parliament, and he should, in consequence, vote for the motion of the hon. baronet.

Mr. *A. Wright* was of opinion, as the first committee had acted under the sacred obligation of an oath, no second committee should be appointed, as if to try the merits of their decision. A general impression seemed to prevail in the committee of the intended disfranchisement of Penryn; but he had given his opinion to those who spoke to him on the subject, that there were not sufficient proofs of general corruption to authorize any proceeding to such an extremity; and that opinion he did not now see any reason to alter.

The Hon. *F. Douglas* said, he considered the question of considerable importance, inasmuch as it showed the practices which were only too common in many boroughs. He would go so far as to suspend the issuing of the writ; and if the borough were found guilty of the practices imputed to it, he would vote for merging the right of suffrage in the neighbouring hundreds. He was less inclined than many members of the House to support the cause of reform, because, though he saw the evils which existed in the pre-

sent system, he was afraid of any vague and indefinite investigation into the nature of government. He was, however, anxious for investigation into isolated cases, whenever they occurred, and especially when they occurred in open rotten boroughs, where it was well known that the greatest abuses existed. In the present case, he should consider the matter judicially, as far as related to the borough, and constitutionally as far as regarded parliament. He did not think it requisite that bribery should be brought home to all the electors before a borough could be disfranchised—such evidence had never been required in any of the precedents to which he had been able to refer. In the borough of Cricklade, though many of the electors were convicted of bribery, great numbers had been actually proved not to have received any; and yet the value of their suffrage had been equally diminished to them all. In Shoreham, the whole borough had been disfranchised, because one party had endeavoured to oppress the other: he, therefore, could not conceive, after these cases, that the House could labour under much difficulty in the present instance. When he recollected all the circcmstances under which the facts now known to the House had come to its knowledge; when he recollected that each party only brought forward such witnesses as could speak to particular facts; when he recollected that many of the transactions had only been discovered by cross-examination of reluctant witnesses; when he recollected that meetings had been held to deliberate on the price of their votes, and that one man had even refused to vote till the price had been paid up; when he recollected the public breakfasts, and the extraordinary purposes which they were made to serve; and when he also recollected the practices which had transpired before a former committee of the House, with respect to this very borough, he could not help feeling that the House was called upon to enter into an investigation. He was against all wild and visionary reform; but when the reform of specific abuses, like those at present before him, could be safely and practically remedied, he would never lift up his voice against so salutary a proceeding. And he would even rather come to a summary vote on the question then before the House, and have something final determined, than have the writ issued for so foul, so flagitious, so corrupt a borough as Penryn.

Sir *F. Burdett* said, he could not partake in the virtuous indignation displayed by the House on the present question, because he had long been aware, that the practices which had called it forth were "as notorious as the sun at noon-day." When he recollected that, on one of the king's ministers being accused of trafficking in seats in parliament, the accusation was met and stopped by this declaration, he did not see what right the House had to assume so much of the pride of virtue upon this occasion. It was hard to say, and it would be still more hard to get any man in that House to believe, that the other boroughs were more immaculate than the borough of Penryn; and, therefore, when he heard such loud vaunts about purity of election, privileges of parliament, breaches of those privileges, and so forth, he looked upon them as nothing more than gaudy topics of declamation—*speciosa verbis, re inania*. Such proceedings as were now contemplated were not, in his opinion, calculated to do good; inasmuch as they would only render these corrupt practices more secret, but not a whit less pernicious. He did not see that Mr. Swann was at all more to blame than a great many gentlemen who were fortunate enough to retain their seats, nor that Penryn and its electors were at all more culpable than the boroughs and electors in many other parts of England, and especially the west. Mr. Swann might say to some of those who now censured him so severely, "*mutato nomine*, the case applies to yourselves: you have been guilty of bribery as well as I." What pretence was there for saying, that there was more virtue in Old Sarum, or even in Knaresborough, though represented by the hon. and learned gentleman (sir J. Mackintosh) than in Penryn? It was perfectly notorious that 4,000*l.* or 5,000*l.* were taken for seats by great proprietors of boroughs; and why should indignation be so vehement against a body of men, who having their living to get, had accepted a paltry 20*l.* a piece? On the contrary, it should seem that these individuals had been remarkably moderate in their demands, and had set an example to the rest of the tribe, that might be followed to advantage, for they had given a seat for the comparatively small sum of 2,500*l.* It was ridiculous to talk of an inquiry like this; it was a mere mockery to suppose that it would accomplish any good end. The honour of the House, or if that were

begging the question [Hear, hear!], at all events, the sense of the country demanded a general and immediate investigation of the whole subject. In truth, the character of the House, and the respect that ought to be felt for it out of doors, had been lost by idle opposition to it. He could not, therefore, agree to the disfranchisement of Penryn, or to any step that might lead it. It would be a gross act of injustice to punish an individual who had not sinned more than a great many others who were untouched, and a borough which was probably not so corrupt, as a great number of others that could be mentioned. It was well known—no gentleman could venture to deny—that bribery had been committed in a thousand other instances, and the punishment of it in this particular case, instead of correcting the evil (if hon. gentlemen could persuade themselves that it was one), would have directly a contrary effect: it would be considered in the country as a proceeding where injustice was backed by hypocrisy. The folly of it also was apparent, for no man would be imposed upon out of doors; no man with his eyes open would believe that it was any thing but a trick and contrivance—a pretence to induce the weak and childish to imagine that parliament was desirous to purge itself of corruption, when in truth it was only anxious speciously to cover its iniquity. For his own part, he would much rather that boroughs were at once rendered legally and publicly saleable as at an auction, because he knew that there were many honest and independent men in the kingdom who would willingly give 4,000*l.* or 5,000*l.* for a seat in the House, if they could do it fairly and properly, that they might bring forward schemes which they thought would benefit their country [Hear, hear!] They wished, and he wished, that the system of secret nomination and secret intrigue should be totally abolished, and that the morals of the country should no longer be undermined, and the character of the house invaded, by such nefarious practices. Why should not boroughs avowed to be marketable, be rendered openly marketable like any other commodity? For these reasons, he protested against all measures of severity against any of the parties concerned in these transactions.

Mr. *Brand* said, that he would not yield to any man, not even to the hon. baronet, in zeal for his favourite cause of parliamentary reform; but he rose to protest against the view that had been just taken of this question. He was most anxious to witness the amendment of the existing system of representation; and he had indulged a sanguine expectation, that such an amendment would have been accomplished, until the hope was checked and blasted by wild and visionary schemes, like those which had now been noticed. All those who had sincerely and strenuously, discreetly and constantly, looked forward to this object, had been repelled, at least for a time, by the violence and extravagance of the doctrines of a certain body of parliamentary reformers. He was not one of those who, because he could not obtain a general revision of the system, would not avail themselves of the opportunity of detecting and punishing the most flagitious and abandoned practices. It had been said by the chancellor of the exchequer, that there was no evidence on which the House could proceed; but was it meant to be asserted, if any member in his place asserted that he knew that in a certain borough candidates or voters had been guilty of bribery, that an inquiry could not and ought not to be instituted? Next, it had been argued, that as the House could not investigate upon oath, all inquiry ought to be abandoned; but it ought to be recollected, that a great deal probably yet remained behind, and which had been fitly excluded in the committee, because it did not touch either of the parties before it. That body had not power enough, nor sufficient range, to enter fully into the matter, but on this very account it was more the duty of the House not to allow the matter to drop. Gregory was the only witness whose evidence was totally unimpeached; the rest were assailed in one way or another; and Peter Bradin appeared to have been perjured throughout. He thought the suggestion of an hon. member well deserving attention: what he had thrown out was a most wholesome and beneficial species of reform, and if it could not be done in the particular case, he was sorry for it: he wished to see the right of election taken wholly from such places, and given to more populous towns, such as Birmingham or Manchester; or, if the landed interest were not adequately represented, let it be conferred upon one of the divisions of Yorkshire. As to unity in the right of voting, it was the most absurd of all absurd projects; it was a chimerical

and fanatical idea, that he believed had not entered into the head of any man who had seriously reflected on the question. One of the great advantages of the present system was, that unity of voting did not exist. He hoped that the right hon. gentleman would take time to reconsider the determination he had stated, and enable the House, by unanimity in this vote, to give a satisfactory answer to the country on the question, how it had discharged its duties in a case of such flagrant delinquency.

The *Chancellor of the Exchequer* said, he had no objection to a short postponement of the motion for issuing a writ, but he should object to the proposed mode of inquiry.

Mr. *Beaumont* said, that although no friend to wild reform, he considered the transfer of the elective franchise from such corrupt boroughs as Penryn, to towns like Manchester or Leeds, the most salutary reform which the House could adopt, or the country with a view to its own good expect, and he should therefore vote for inquiry.

Mr. *Martin*, of Galway, said, that his principal objection to the motion was, that it tended to a parliamentary reform of the worst species. He was more disposed to the proposal of the hon. baronet, that if any inquiry was necessary, it should be a general one. He thought that no member who had ever voted against parliamentary reform could vote for further inquiry into this case. No general corruption had been proved against the borough, and it was unjust to punish the many for the transgressions of the few.

Mr. *Bankes* thought the proposed inquiry by a committee contrary to all parliamentary practice. He agreed, that where a gross case of corruption had been made out, disfranchisement and transference was the most unexceptionable and practicable mode of reform. It had been tried with success many years ago by Mr. Pitt, in the cases of Shoreham and Aylesbury; but they were clearly distinguishable from the case now before the House; here the committee had laid no ground whatever for any ulterior step, and the House could not proceed therefore in the face of the minutes. At the same time he was not disposed to exclude all remedy, by granting the writ; and though the proposed delay was rather too long, he should not object to that part of the motion. He was by no means opposed to a wise system of parliamentary reform; but he was convinced that there were better modes of accomplishing the object, than by pulling down upon our heads the whole fabric of the constitution. There was no instance in old times, but especially since the passing of the Grenville act, of the appointment of a second committee, after a first had concluded its labours. He did not concur in the observation, that the House could not inquire judicially, because it could not, in a case like this, examine upon oath. He was not aware that the administration of an oath to witnesses under these circumstances would be attended with any advantages. He objected to the appointment of a second committee, merely because it was not authorized by precedent, and because it would give the House too much power: it would tend to draw every thing into the vortex of the House. It was true that this was the second time Penryn had been before the House, but still he did not see his way clear in going further than delaying the issue of the writ.

Sir *John Newport* argued, that if the former committee were *functus officio*, it was the strongest reason for appointing a new body of the same kind, and with more extensive powers, to embrace not merely matters brought home to the members or to the petitioners, but to the electors. If the House refused to investigate further, it would establish a precedent for not examining into any case of corruption however gross, unless it were brought home to one of the candidates. It was clear that the borough of Penryn had proceeded since 1807, not only in general corruption, but in the same system of corruption which had then been detected: it had almost been brought home to the same parties, and if the committee had only reported against a few electors, yet at two meetings, where eighty or a hundred were present, the most corrupt propositions were made for tendering themselves for sale to the son-in-law of a Bank Director, who could come down with a certain sum of money. Though the House would not countenance the doctrines of annual parliaments and universal suffrage—though it rejected wild and visionary plans of reform, yet it owed to the country, and to those who looked with suspicion upon its conduct, to show that it was not reluctant to inquire into crime, and to punish the guilty. The question was not now, what town should

be substituted for Penryn, but whether it was fit that any town should be substituted? These points were quite distinct: and those who voted for the one, need not necessarily pledge themselves as to the other.

Mr. *Carew*, as one of the members of the committee, begged to observe, that proof of general corruption in the borough was given; it was sworn that it had been the general practice to give a breakfast, and to present each of the electors present with 24*l.*; that Mr. Swan had been three times returned, and that he owed his present failure to an abandonment of that good old custom, which had induced the voters to call in a third candidate who would give them a breakfast and 24*l.* Mr. Anderdon thought the bribery so notorious as to warrant a resort to the act of disqualification; Mr. Swann returned the compliment by rejecting Mr. Anderdon's voters, and a notice was mutually given that the votes on each side were thrown away. The bribery oath had not been heard of; and it was generally supposed, that if any candidate were so unpolite and so impolitic as to propose that it should be taken, he would be considered in Cornwall virtually disqualified. If there were no actual precedent, he thought the House ought to find a precedent to meet this case, which in point of grossness was perhaps not exceeded by any upon the Journals.

Mr. *Wynn* referred to the case of the county of Hants, as an authority for suspending the writ at present. It was true, that it had not been formally suspended, but no motion had been made for it until after the minutes had been printed, eleven days after the report of the special committee had been made. The question now was, whether the House should continue to suspend the writ for Penryn; and if he had thought that no grounds had been laid for further inquiry, he should undoubtedly dissent from the motion for suspending the writ. He saw many matters in the evidence already printed, requiring further investigation; but in the first place, it was the strong impression of many members of the committee that the subject should not here be closed. It appeared beyond question, that meetings had been held, at which resolutions were agreed to, and in consequence of which, a candidate had gone down; and if bribery and other corrupt practices could not be brought home to the members, it was of great importance that the House should know how far the electors were implicated. Some hand-bills of a singular nature were also referred to in the evidence, but they were not received by the committee, as it was not thought that it was sufficiently shown that the candidates had any concern in them. These subjects required further investigation. It was well known, that a losing candidate would not petition the House, but would rather wish to withdraw any prayer of that kind. It might very properly be matter for the consideration of the House, whether it was possible to extend the oath taken by the committee, so as to enable them not only to try the matter immediately before them, but to report upon any acts of bribery that might incidentally come out during their sitting, and the names of the persons concerned in them. Certainly, the arguments adduced in opposition to the issuing of a new writ, by the hon. baronet and one other hon. gentleman, were all of them of the most discordant character. The hon. baronet had declared that he should not have opposed the motion, had not the same practices been permitted ten years ago, in a sitting member; so that because the House did not do its duty ten years ago, it was neither now nor on any other occasion to act as became its character! Because the House then passed over a flagrant and notorious case of corruption, it was not now to interfere to vindicate its own honour, and assert its own dignity! The hon. baronet had said that the returned member, when upbraided with his misconduct, might turn round on every member of the House, and address them—"mutato nomine, de te fabula narratur." How far this declaration applied to the hon. baronet, he really did not know; but speaking for himself, and for many, his most valued friends, at that moment sitting round him, he declared it to be an utterly false and unfounded calumny [Hear, hear!] If the House would preserve its honour, its dignity, its character, if it would vindicate these to the country, it became its bounden duty (and a grave and most sacred duty it was) to consider such offences. When these offences were known to exist generally, and strong suspicions existed as to particular cases, it was, he would maintain, its imperative duty to examine further. He could not entirely separate the case before the House from that of 1807, al-

though twelve years had intervened between them, especially when he found that the then and present sitting member for that borough, which was the subject of the inquiry then instituted, gave 24*l.* a vote, the precise sum offered on the present occasion. Here was, therefore, good reason to believe that a more extensive system of bribery and corruption existed than was yet apprehended. He thought the term of one month was too long, as it was very possible the committee might be enabled to make its report in a much less time: he should move, therefore, that "one fortnight" be substituted for the words "one month."

Sir *F. Burdett* complained that the hon. member had misrepresented him, in saying he had applied his remarks to every member of the House; his statement was, that the persons accused might turn round on the members of "every other rotten borough," and make the same charge: and if the hon. member asserted he had made use of any other term, he asserted what was false.

Mr. *Wynn* said, he had understood the observations of the hon. baronet to take a much wider range, and to convey a general censure on members of that House, more particularly those representing boroughs.

Mr. *V. Blake* entreated the hon. member and the hon. baronet to abstain from any allusions calculated to excite irritation during the discussion of the subject before the House.

Mr. *C. Calvert* wished to know if the hon. baronet intended that his observation should extend to the borough of Southwark? If so, it was most false and calumnious.

Sir *F. Burdett* thought it very hard to be thus called upon after his former explanation; which he repeated.

Sir *R. Wilson* observed, that his hon. colleague might have been sure, had the hon. baronet's observation applied to Southwark, that he (sir R. Wilson) would not have allowed it to pass without observation [a laugh]. He so far agreed with the hon. baronet, that he hoped reform would not be confined to Penryn, but that it would be extended to the correction of those abuses which were known so generally to exist; but he trusted with the hon. member for Hertfordshire, that the present opportunity of commencing that reform would not be neglected.

Sir *C. Burrell* said, he had no objection to the amendment proposed by Mr. Wynn.

The *Chancellor of the Exchequer* also observed, that the alteration of the term to a fortnight removed his objections to the original motion.

The motion as amended was then agreed to. After which,

Sir C. Burrell moved, "That a Select Committee be appointed to inquire further into the existence of certain corrupt and illegal practices which appear to have prevailed in the borough of Penryn previous to and during the late election, and to report their opinion, together with their observations thereupon to the House." After a short conversation, it was agreed, that the debate on this motion should be adjourned till to-morrow.

EXCHEQUER CONSOLIDATION ACTS.] The House having resolved itself into a committee on the Exchequer Consolidation Acts,

The *Chancellor of the Exchequer* said, that he did not anticipate any objection to the arrangement he was about to propose, and he hoped, at that late hour, no detailed discussion would take place. The committee was well aware, that by the practice of the exchequer, the revenue received for the purposes of the consolidated fund accumulated till the end of the quarter, and those sums had not been made applicable to the public service, but the Bank had had the advantage of the interest on them. The accumulations of the sums thus received for the consolidated fund, which were not applicable at present, unless to the payment of the interest of the public debt, the sinking fund, and the civil list, he proposed to apply to the public service, till required for their original purpose. It was evident that large sums of money came daily into the exchequer, and were at present inapplicable to any public service until the close of the quarter The interest on these sums had been lost to the public, and had proved a source of emolument only to the Bank of England. The simple proposal, therefore which he had to submit to the House was, that the public should have the benefit, instead of the Bank, of those accumulations. The sum to be thus applied, however, he should propose to be limited to a definite amount, namely, 6,000,000*l.*, which was nearly as large a sum as was usually accumulated from one quarter's end to the other. He should further propose,

that at the time these sums were taken from the exchequer, exchequer bills should be replaced as a security, which bills should be realised at the close of the quarter. It would be recollected by the committee, that a negotiation between the Bank and Mr. Perceval took place in 1808, and it would be found, by a reference to the report of a committee of the House, that Mr. Perceval then entertained a similar idea to that which he was now about to submit. It appeared that at that time he proposed to render the growing produce of the consolidated fund applicable to the public service, making provision for its re-instatement at the close of the quarter. The extent to which Mr. Perceval intended to carry the application was 5,000,000*l.*, but this plan was subsequently given up, and the minister thought the more convenient mode would be to accept from the Bank the sum of three millions, without interest, in lieu of the advantages the public would have otherwise derived from the appropriation of these accumulated sums to the public service. In Ireland, a practice similar to the one proposed had been acted upon. The agreement which Mr. Perceval had entered into with the Bank had expired on the 5th April 1815; and it was afterwards, by different acts of parliament continued to the 5th April 1818. At the time when Mr. Perceval made his arrangement, the balances in the hands of the Bank were far more considerable than they were at present. At that period those balances amounted to between 11,000,000*l.* and 12,000,000*l.* Since that time this amount had greatly decreased in consequence of the peace. A very large sum had also been taken from these balances by the new arrangement with regard to the payment of the sinking fund under the consolidation acts, by which the sums applicable to the redemption of the debt, instead of being paid in large masses, were issued gradually, without leaving any large balances unemployed in the hands of the Bank. The remaining balances had been reduced as low as could be allowed with safety; and, upon a reference to the accounts upon the table it would be seen that there were seldom in the hands of the Bank balances for more than ten days of what the public service required. He was sure the committee would agree with him, that it would be scarcely prudent to reduce the balances in the hands of the Bank below the present amount; but the reduction of these balances was a subject to which the treasury would pay its vigilant attention. Upon the expiration of the agreement made by Mr. Perceval, by which the Bank agreed to advance the sum of 3,000,000*l.*, much discussion had taken place, and it had been his duty to inquire whether the Bank would consent to the proposed arrangement. He had now the satisfaction of stating to the committee, that the Bank had expressed its willingness to assist in carrying this plan into execution. In the measure he should propose, he should also introduce a clause limiting, for a certain time, the application of the sum of 6,000,000*l.*, so taken out of the exchequer, to the public service, and applying it to the liquidation of debts due to the Bank from government. It was necessary to observe, that the arrangements would be subject to any arrear of debt due to the Bank, outstanding from the preceding quarter. It would be recollected that there was an arrear of the consolidated fund amounting to upwards of 3,000,000*l.* outstanding from 5th Jan. last to the liquidation of which debt a portion of this sum of 6,000,000*l.* would be applied. This, then, was the substance of the plan he had to propose. He himself felt convinced of the benefit the public would derive from such an arrangement; but he was aware that others might be of a different opinion; and with a view to satisfy all parties, he should introduce a clause for limiting the continuance of the measure to the 5th July, 1820. He concluded with moving, "That it is the opinion of this Committee that it is expedient the growing produce of the Consolidated Fund in Great Britain be made applicable in each quarter, to an amount not exceeding six millions on the whole at any time, to such services as shall be voted by parliament, until the same be required for the services for which it is appropriated."

Mr. *Maberly* complained, that the 9th of March had arrived before any thing had been done to explain and settle the finances of the year. The six millions mentioned by the right hon. gentleman as being partly intended to cover arrears, were now sunk to 2,700,000*l.* which would not be sufficient by 300,000*l.* to repay the three millions due to the Bank. The current expenditure of the country was twenty millions, and the amount of the unfunded debt forty-eight millions.

If the former were divided by twelve, the monthly expenditure would be found to amount to about 1,700,000*l.* To meet this, there was a total in regular taxes of not more than 7,000,000*l.* If the monthly 1,700,000*l.* were multiplied by three, the expenditure of the quarter would appear to be 5,100,000*l.* and only 4,000,000*l.* of ways and Means to cover it, leaving a deficiency of 1,100,000*l.* on the April quarter. He had made these statements to show that the country might be deprived of money altogether for the ensuing quarter: for the exchequer bills might then be paid in on account of the revenue. If it were said that they would not, then the right hon. gentleman must raise the interest on them, for they were already at a considerable discount, and would of course be paid in if it continued to increase. Where, in that case, should we find funds to meet the expenditure from April to July, and the other quarters? With a deficiency in our revenue nearly equal to the sinking fund, what would be our situation but a state of bankruptcy, if war or a rumour of war should arise—if the ferment in France did not subside, and a new revolution took place in that country.

The *Chancellor of the Exchequer* gave the hon. gentleman credit for not having intentionally misstated any thing in his speech, but he certainly had mistaken several points. The hon. gentleman, in the first place, had said that the produce of the revenue would be exhausted by the 5th of April; but the hon. gentleman must have forgotten entirely, that a great part of the expenditure of the quarter had been provided for from the produce of the past year. In every year there were sums of money remaining from the supplies of the previous year. This had been the case in 1818, and it was the case in the present year. The current revenue of last year had not been required to be issued for the public service till March, the supplies voted in the preceding year answering the expenditure till that time. With respect to the amount of the unfunded debt, the hon. gentleman was right in stating it at about 48,000,000*l.*, but he had omitted one thing of great importance, namely, that 16,000,000*l.* had been paid off last year—a sum so large, that if we could then bear it along with the present amount complained of, we might be relieved from any apprehension of being overwhelmed with unfunded debt. The hon. gentleman had expressed a suspicion that from the discount at which Exchequer bills now were, they would be paid into the revenue. This he (the chancellor of the exchequer) did not strongly apprehend. They were now at no greater discount than 2*s.*, and when formerly at a discount of 20*s.*, they were not paid in. Now, with regard to his plan for meeting the demands of the public service, he must defer any explanation till he came to give the financial statement of the year. That would not be done till the report of the secret committee on the Bank affairs was laid on the table. Till then he would preserve the same silence as to his ulterior intentions which he had hitherto maintained. The financial statement, under the name of the Budget, had seldom been brought forward before the Easter holydays. How soon he should present it to the House this year he could not now say; but neither in the time when it would be ready, nor in the plans which it would contain, would he entangle himself by any pledges which might prejudice the public interest.

Mr. *Tierney* thought the statement of the hon. gentleman had been by no means answered. The right hon. gentleman had told them, that the current year only began in March, and that the sum requisite before that time would be found from some other quarter; but if this was the case, a sum of money equal to six weeks expenditure, more than any gentleman in the House was aware of, had been granted in the last session. As to the probability that Exchequer bills would be at a discount, the fluctuations in the price of public securities were so great, that it was impossible to say what might be their value at any future time, however near. Exchequer bills had been at 20*s.* discount; they were now down to 2*s.*, probably on account of this speech, which it was known the chancellor of the exchequer was to make. Whether the speech, now it was more fully understood, would produce a similar effect, he did not know; but if he were a holder of Exchequer bills, he should be more disposed to sell than to buy. It was manifest, that at the commencement of April, if the bills were at the same discount and likely to go lower, the holders would dispose of them to those who had to make payments to the revenue, as there would be a gain of 2*s.* on every 100*l.* Was the chancellor of the exchequer content to let the finances of the country rest on the speculation, whether

there might or might not be a discount on Exchequer bills? Not only wars, or rumours of wars, but those reports which were every day current, might produce the effect he had described; and then, where the chancellor of the exchequer was to get money he did not know! Not from the Bank to be sure; for if the right hon. gentleman was so delicate that he would not bring forward his financial arrangements while the inquiry concerning cash payments was in progress, the Bank itself would not be so indecent as to anticipate the report of that committee, by advancing money which it might be necessary for it to keep. The chancellor of the exchequer, by his present course of proceeding, though he must have perfectly made up his mind as to what was to be done, had left it open to speculators to raise or lower the price of the funds as they thought fit. He left the exposure of his financial scheme till after the report of the committee: when that time would be, the chancellor of the exchequer might know, but he (Mr. T.) had not the most distant guess. According to present appearances, from the length of the examinations, he thought it not probable that the report could be made till after Easter; and, if read with the attention necessary to enable them to discuss it, the House could not decide upon it till the middle of May. After the 3,300,000*l.* of arrears had been paid out of the 6,000,000*l.* which the chancellor of the exchequer had spoken of, what was to become of the 2,700,000*l.* which remained? Was it to repay the loan from the Bank? [the chancellor of the exchequer assented]. If this was the case, the whole that the public would save was the interest on this sum; which was so far desirable. But was this any thing to encourage any man as a financial resource? Beyond the amount of the interest saved, there was not the fraction of a farthing to get the chancellor of the exchequer out of his financial difficulties. At this very time a sum of 13 or 14 millions was to be borrowed, if the sinking fund was to go on. That is, while we were boasting that we had a sinking fund of 13 or 14 millions, we were obliged to borrow nearly the same sum. This was not to be imputed as a fault to the chancellor of the exchequer; but his fault was, that he did not put the country in a way to see its real situation. By the adoption of repeated and varying shifts, and by holding out fallacious promises, he enabled the wary to prey upon the unwary; and if his study had been to play into the hands of the stock-jobbers, he could not have conducted himself otherwise. So manifestly true was this, that no man but the right hon. gentleman, whose character he acknowledged to be clear from any possible imputation, could have conducted himself thus without incurring suspicion. He had been constantly buoying up the House with the hope of prosperous days, which the House was to arrive at without effort. He had boasted that he would pay off the 5 per cents, and had made every exertion to lower the interest of money, for no other purpose that he could divine, but to make flourishing speeches about the state of public credit. Why did he not now give a general view of the budget which he would hereafter have to propose? Why, but for the purpose of delusion, did he keep from the House the view of difficulties which sooner or later they must meet? The main question was, what was to be done with the 48 millions of unfunded debt? That question the chancellor of the exchequer might answer now, but he reserved himself for a grand display. He might, however, depend upon it, that no grand display would he make this year. He, or the system of finance adopted by the ministers of whom he was the mouthpiece, began to be thoroughly understood. In the mean time, the most ridiculous rumours were permitted to affect the price of the public securities. There were even men who got their living by supposed examinations in the secret committee. He had no doubt a man might turn a penny by saying what the evidence was which was received by the committee on this or that morning. He should now trouble the chancellor of the exchequer no further. It was in vain to press him to state what was the situation of the country, and what the remedy he had to apply. He (Mr. T.) however, wished not to be supposed to hold out a hope of any secret remedy. There was no remedy but in severe measures. But those measures the House should be informed of at once.

Mr. *Huskisson* said, that with respect to the plan now under consideration, the right hon. gentleman had made it a reproach to ministers, that they had not sooner made the Bank balances available for the purposes of the government. It was right to adopt that plan at present; but he denied that any advantage would

have accrued from having adopted it sooner, as the plan formerly resorted to was as good as this of applying the 6,000,000*l.* to the use of government. That, however, was a question which would afterwards come under discussion. Both plans had been before the House, and it had then been thought better to take the three millions, than the floating benefit of the Bank exchanges. The right hon. gentleman had said, that he, as a member of the committee, felt the difficulty of bringing forward matters connected with the inquiry of the committee. For the same reason, it would be impossible for his right hon. friend at present to bring forward any plan of supply, without exposing himself to questions respecting the arrangements of the committee, which it would be improper to answer. Without knowing what was to be the result of the committee above stairs, it was, indeed, impossible to enter into any plan of supply for the year. Whatever that report might be, he hoped they would be able to discharge their duty by providing for their peace establishment, and for the support of the public credit. They wished to make such efforts, not on partial statements, but on a relative view of the expenditure, the revenue, the funded debt, and the state of the public credit: and he trusted the result of their exertions would be the diminution of that debt, and the confirmation of that credit. He hoped the committee would use the utmost diligence in preparing their report, and that when it came before the House, they would be enabled to do their duty to the country, and to make good the promise which they had given, and in which the right hon. gentleman had joined, that they would not hesitate to make the necessary sacrifices, in order to support the public credit.

Mr. *Tierney*.—The right hon. gentleman forgets one species of severity to which I alluded, I mean the severity of retrenchment. The absence of that severity presses hard on the people, who are to pay, but is never thought of by those who are in the habit of receiving.

Mr. *Grenfell* was glad, that these balances would now be available for the public service. For the last four years, there were generally 6,000,000*l.* in hand, and those balances consisted at present of about 7,000,000*l.* The argument of the right hon. gentleman (Mr. Huskisson) was a strange one. He contended thus—"formerly the public had the use of 3,000,000*l.* without interest, they will now have 6,000,000*l.*, but yet they gain nothing by it." He did not understand this arithmetic. If he took the matter rightly, the country was in future to have the use of 6,000,000*l.* of these balances: if so, he would ask, must they not be 3,000,000*l.* better off than they were when they had the loan of 3,000,000*l.*?

The *Chancellor of the Exchequer* said, that when, some years ago, the hon. gentleman adverted to a plan of this kind, he did not oppose the principle, but merely stated, that it could not be carried into effect, without breaking faith with the Bank. He believed the new system would be advantageous in a very material degree; and certainly the Bank were making considerable sacrifices. The country stood in a much better situation than in Mr. Perceval's time. They were now about to take six millions for seven; whereas, in the former period, Mr. Perceval took 5,000,000*l.* as a compensation for twelve millions. At the same time, it must be observed, that the saving of interest would not be so large now, as when the Bank advanced 3,000,000*l.* free of interest. Six millions, it was true, would be accumulated in the Exchequer, at the end of each quarter; but they could not reckon as if the interest on that entire sum was saved from the commencement of the quarter. It was, in fact, a gradually increasing fund, and not a fund formed on the moment.

Mr. *Grenfell*.—The average balance is 7,000,000*l.*, and I understand we are to have the use of six of them. Is this so? Are we to have six or only three millions?

The *Chancellor of the Exchequer*.—The six millions which we are to take from the Exchequer are not forthcoming at the beginning of the quarter. It is an accruing, a growing fund. We take the money as fast as it comes in; but we cannot, at the commencement of a quarter, say, that we save the interest on 6,000,000*l.* As we have small sums coming in from time to time, to form the 6,000,000*l.* It is only for a very short period that we can say we save the interest on that entire sum.

Mr. *Protheroe* hoped the secret committee would let the country know its real situation. His right hon. friend had talked of severe measures. If such were necessary; if there were any unsound parts in our financial system, the chancellor of the exchequer ought to let the

country know the fact, that they might be prepared for the worst.

The resolution was agreed to.

HOUSE OF COMMONS.

Tuesday, March 9.

Barnstaple Election.] Lord Clive informed the House, that the Committee appointed to try the merits of the Barnstaple Election, had determined, "That sir Manasseh Masseh Lopes, bart., is not duly elected a burgess to serve in this present parliament for the said borough: that Francis Molineux Ommanney, esq. is duly elected a burgess to serve in this present parliament for the said borough: that the last election for the said borough, so far as relates to the said sir Manasseh Masseh Lopes is void: that the said petition did not appear to the committee to be frivolous or vexatious: that the opposition to the said petition did not appear to the committee to be frivolous or vexatious."

Lord Clive also informed the House, that the Committee had come to the following Resolutions:

1. "That it appears to this committee, that sir Manasseh Masseh Lopes, bart. was, by his agents, guilty of bribery and treating at the last election for the borough of Barnstaple, and is thereby incapacitated to serve in parliament at such election. 2. That it appears, by evidence before this committee, that such a general system of corruption was practised at the last election for the said borough of Barnstaple, as to render it incumbent on the committee to submit the same to the most serious consideration of the House, in order that such proceedings may be instituted thereon as the House in its wisdom may think proper to adopt."

The said report, and the minutes of the proceedings of the Committee were ordered to lie on the table; and, on the motion of the noble lord, it was agreed "That Mr. Speaker do not issue his warrant to the clerk of the Crown to make out a new writ for the electing of a burgess to serve in the present parliament for the borough of Barnstaple, in the room of sir Manasseh Masseh Lopes, bart. whose election has been determined to be void, till Tuesday, 16th March."

Insolvent Debtors Acts.] Sir *James Graham* presented a petition, signed by 1,500 of the principal shopkeepers of Mary-le-bone, praying that the Insolvent Debtors act might not be renewed; or that if it was the intention of the legislature to prolong a measure of this kind, care should be taken to protect the honest creditor from the frauds of the dishonest debtor. The hon. baronet said, that there was not one of these petitioners who had not been defrauded by the effect of this act.

Mr. *Brougham* presented a petition from certain inhabitants of Westminster against the renewal of the Insolvent Debtors act. This petition was, he said, signed by a number of respectable tradesmen, and entitled to attention. He did not, however, at all agree with the petitioners as to the propriety of repealing the act alluded to, while he fully concurred with them in thinking that that act required revision and amendment. He was decidedly of opinion that the principle of this law should be preserved; yet as the execution of that principle required that the court appointed to carry it into effect, should be generally sitting, it was desirable to provide, by every possible means, for the improvement of the machinery of that court, and especially to guard against any facility for the release or encouragement of fraudulent debtors. To these points the committee about to be proposed by his learned friend, the attorney-general, would, no doubt, direct its most diligent inquiry.

The *Solicitor General* said, it was the intention of the attorney-general to move for the appointment of a committee to consider this subject with all the petitions concerning it which had been received by the House: and that it never was his object to propose the renewal of the law alluded to in its present state. The attorney-general, he was enabled to say, concurred fully in the opinion just expressed by his learned friend as to the justice and necessity of preserving the principle of the Insolvent act. This, indeed, he found to be the impression of all men of good feeling and sound intellect. All that appeared to be looked for by reflecting men on all sides was, the correction of the deficiencies which were understood to belong to the law in its present shape. Upon an investigation of these deficiencies before a committee, and upon the introduction of any amendments required, he had no doubt that the law would be found to operate with due regard to the fair claims

of both the honest creditor and the unfortunate debtor.

Mr. *Waithman* wished, if a committee should be appointed, that there might be selected, for that purpose, some practical mercantile men, who were acquainted with the subject in all its details. He feared that if some such were not chosen, those who might constitute the committee would not have that sympathy for the situation of unfortunate creditors which the frauds they had experienced called for.

Mr. *Brougham*, adverting to what had been said by the hon. member for Carlisle, namely, that every one of the petitioners from Mary-le-bone parish, comprising between 14 and 1500 persons, had suffered from the operation of the act, observed, that the hon. baronet must be under a mistake, as a vast number of the signatures to that petition were from persons who were not at all in trade.

Sir *James Graham* said, that the petition alluded to was signed by many shopkeepers and tradesmen, and that every one of a deputation which had called upon him on the subject, had assured him that he had suffered some fraud through the insolvent acts. But he could go farther, and say that he had never conversed with a man of property upon the subject, who had not complained of being defrauded by these acts. Debtors had indeed become so cavalier in consequence of these acts, that when pressed by any creditor for payment, nothing was so common as to say, "I'll give you a bill at three months on lord Redesdale." But the execution of this law was almost as exceptionable as its provisions. What would the House think of the clerk of the court for carrying this law into effect, being appointed the universal assignee, or treasurer of the debtors released, and of no dividend, as he understood, having ever been paid to any creditors.

The *Attorney General* observed, that the hon. baronet was completely misinformed with regard to the clerk of the court, who, so far from being the universal, was only the provisional assignee, of the debtors, to which place he was appointed by the learned serjeant who presided in that court, with a view to take care of any property which might be surrendered by, or found in the possession of, any debtors at the time of their release. But the moment the creditors of any debtor appointed an assignee, such property was given up to them by this provisional assignee, who had, within the last twelve months, received property of that description to the amount of 15,000*l.* all of which would, of course, have been expended in prison, if it were not for the Insolvent acts. The learned gentleman concluded with expressing his hope, that the merits of this case would be fully inquired into by the committee, for the appointment of which it was his intention to move.

Mr. *George Lamb* observed, that undoubtedly great abuses had taken place under the Insolvent acts, but yet he believed that those abuses were not so considerable as some gentlemen appeared to think. He was of opinion, that the law required amendment, while he was satisfied that its principle ought to be preserved. He agreed as to the propriety of postponing all discussion upon this subject until the proposed committee should have made its report, and he hoped and trusted that the consequence of that report would be the adoption of a measure equally calculated to secure the interest of the honest creditor, and to save the honest but unfortunate debtor from unmerited suffering.

Ordered to lie on the table.

PENRYN ELECTION.] Sir *C. Burrell* moved the order of the day, for resuming the adjourned debate on the motion "That a Select Committee be appointed to inquire further into the existence of certain corrupt and illegal practices which appear to have prevailed in the Borough of Penryn, previous to and during the late election, and to report their opinion, together with their observations thereupon, to the House." The hon. baronet observed, that the minutes of the committee having been entered as read, the House was in possession of the grand features of the case, and it was his intention, if he succeeded in carrying two prefatory resolutions, to move for leave to bring in a bill for the better regulation of this borough. His resolutions would be, "1. That it appears to this House, that there was the most notorious bribery and corruption in the last election of members to serve in parliament for the borough of Penryn; and further, that such practices are not new nor casual in the said borough, having been before brought under the notice of the House, in the year 1807, by a special report from the committee which tried the merits of the petition of John Trevannion

and others. 2. That it is the opinion of this House, that the said bribery and corruption require the most serious consideration of parliament."

The motion for a select committee was withdrawn; after which the two resolutions were agreed to, and sir Charles obtained leave to bring in a bill "for the preventing of Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Penryn." The Minutes of the Proceedings of the Penryn Election Committee in 1807 was, on the motion of Mr. Wynn, ordered to be reprinted.

Game Laws.] Mr. *Brand*, in rising, pursuant to his notice, to bring forward his motion for the amendment of the game laws, observed, that the subject was one of the highest importance, inasmuch as it was intimately connected with the interest, the happiness, and moral conduct of the lower orders of society. For the benefit of those members of the present parliament who were not members of the last, he would inform them, that in the year 1816, a report on this subject was made by a very numerous, intelligent, and industrious committee of that House, to the concluding passage of which he requested particular attention. The committee observed, that they would not, at a late period of the session, introduce to the House any measure, on a subject which had so great a variety of bearings; but they cherished sanguine expectations, that a bill, founded on the principles recognised by the common law of the land, that principle being, that the property of game was in the individual possessing the land where it was discovered, might be advantageously resorted to, by which the present system of the game laws might be improved, and thefore they came to the following resolution:—"That all game should be considered the property of the person on whose land such game should be found." He approved entirely of this principle; and he had long wished to bring forward a measure founded on the view of which the committee had professed their approbation. In order to show the efficacy of the plan which he should submit to their notice, it would be necessary for him to enter into some minute details on the subject, which he would however endeavour to make as concise as possible. He was afraid, nevertheless, that in spite of all his endeavours, he should not be able to command the attention of the House during all the remarks which he should make to them, because the subject was so extensive, and spread over so large a space of history as totally to defy any summary abridgment. He would, however, as briefly and as perspicuously as possible, call the notice of the House to a subject, which, in the minds of thinking men, yielded scarcely to any that could be brought before them as a question of domestic policy, and of moral interest. It was curious to follow the history of the game laws—to mark their origin, in feudal barbarism, and to trace their growth through various periods, when a false policy was mistaken for wisdom. So early as the 13th of Richard 2nd, there was a statute, establishing a sort of qualification, as necessary to enable a man to destroy game. That qualification was 20 marks a year. But still the statute seemed to proceed on the principle of *ratione soli*—on the principle, that the property in game belonged to the person on whose land the game was found. This continued to be the law of England for some time; but was in a certain degree abrogated by the operation of the statute of uses, of fines and recoveries, and other legal technicalities, into which he should then decline to enter, inasmuch as the original proprietors found that they had not only parted with their lands, in these fictitious conveyances, but also with the rights which they enjoyed from those lands. They had not only, they perceived, given up their lands, but they found also that they had parted with that indulgence, the indulgence of taking game all over their estates, which their predecessors had enjoyed. The consequence was, that all those statutes had grown up, which encroached on the privileges once enjoyed by the possessors of the land—statutes that were in fact perpetually increasing. The main law of this kind was the 23rd of Charles 2nd, by which the existing qualification was rendered necessary. By the system tolerated by this law, all the personal, all the leasehold property of the country, was excluded from the possession of the game. It seemed that the immediate proprietors, and those who had manors, were not contradistinguished by this law—and the latter finding, by the species of qualification it required, that they were themselves, in many instances, precluded from procuring game, hit upon the system of

appointing game-keepers, with deputations. Those deputations protected game-keepers from the operation of the game laws, and enabled them to kill game where their masters could not. This system of appointing game-keepers, under deputations, was only applicable to lords of manors, whose servants it effectually screened from the penalty of the law. As constables, appointed to preserve game, he looked upon the situation of game-keeper as a very ancient office. But they were now created under the statute of the 5th of Anne, which altered, in a very considerable degree, the intent and meaning of the 23rd of Charles 2nd. This privilege of appointing game-keepers, with liberty, under these deputations, to kill game where they pleased, was the only manorial right that he desired to attack or to affect. From that period to the present numerous acts of parliament were passed for the purpose of preserving the game belonging to lords of manors; and of enabling the great landed proprietors to resist the accumulating personal property of the country. Such measures were evidently necessary, if it were thought a just principle to resist the demand for a participation in the game of the country, which, in proportion as personal property increased, must become every day stronger. But parliament ought to consider that they were legislating on the law of property and of nature--they ought to reflect whether it was right, when the income of the monied class of the community was equal to that of the whole estated property of the country, that the landed proprietors should deprive the other classes of that enjoyment which their fortunes entitled them to. He would not, at this enlightened period, descant on the ridiculous situation in which the property of the country was placed by the existing game laws, or point out minutely the curious distinctions that were attached to it. It might be enough to say, that, at this time, a man possessed of 100,000*l.* a-year personal property, if he had no land could not shoot, or, he believed, possess game. He did not think, if he deposed before a magistrate, that he suspected the first merchant in the city of London of having game in his house, and demanded a search-warrant, in order to examine his premises, the individual being unqualified, that the warrant could legally be refused. What was of still more importance, was, that all the small landed proprietors in the country, on whose grounds the game existed, and whose property was damaged by those animals, were precluded from killing game. The consequence of this must be, that those persons, though not directly encouraging poachers in their neighbourhood, were by no means active in putting them down. They were neutralized—they felt like disinterested persons, since the destruction of game by poachers could not harm them. There was a natural feeling in the minds of youth, particularly in this country, to pursue those wild animals which nature had scattered over the face of the earth. Every thing around encouraged them to this amusement—and how did the system of legislation oppose the growth of this feeling? A few words would explain it. They had a system of legislation, by which the personal property of the country was undervalued; they had a system of legislation by which individuals amongst the higher orders of society were excited to encourage a breach of the law; they had a system of legislation which was intended to put down a pursuit to which the best and most useful part of their population was naturally prone; they had a system of legislation, instigating the very men who ought to be most eager to discover the violators of the law, to screen and conceal them. If any mode could be devised for removing such a system, and introducing a more wholesome one, such a plan ought to be favourably received by the House. The practical result of the law was very well known. The returns for the last year proved that a vast mass of the criminals who had been tried by the different tribunals of the country, had been first introduced into prison for offences of one kind or other against the game laws. As to the relative proportion he could not speak accurately, because there had been great delay in making out the returns, which were not even yet in the hands of every member, and because these returns, long as they had been in making, were not, to his knowledge, altogether correct. The cases which he himself knew were, however, sufficient for his purpose; and he would assert, that, if he were called upon to fix what data he would have given to determine the problem, which is the best and the shortest way to demoralize a whole people, he would answer, "take an offence which has nothing in it of disgusting crime, or of moral turpitude; let the habits of the country be favourable, and the

property of the country not opposed to it, punish it in all its different shades, with the utmost degree of severity, and you will have, with all speed, the very demoralization which you are wishful to effect." The offence of poaching was one that exactly corresponded with the case which he had put; and when it was recollected that young men of active habits and vigorous minds were the parties most generally engaged in it, it was no wonder that, when they were placed by the arm of the law in a situation where contamination was most likely to reach them, they became the desperate and profligate wretches which they were well known so frequently to become.

He could not possibly imagine a system more perfectly calculated to produce such an effect.—If he conceived that the measure he meant to propose would prevent country gentlemen from residing on their estates, and prevent them from pursuing that course of humanization and civilization for which they were so remarkable, he would not, mischievous as the existing system appeared to be, recommend its repeal. But what he had in view, would, at the same time, remove the evil of which he complained, and answer every purpose of the resident country gentlemen. By the common law the game was *ratione soli*, in the owners soil; and he could not but hope, that, by recurring to the ancient law of the land, the legislature might find means to get rid of the mischiefs which the existing system produced. To prove that the ancient law was as he stated it, the hon. gentleman quoted a passage from the 4th Institute, and also read the preamble to the statute of Henry 7th. Taking the ancient law of the country as the ground-work of the bill which he meant to introduce to the House, he contended that the occupier of the land, on whose property the game was fed and maintained, ought to possess it, unless it was specially reserved to the original owner of the soil, or leased by such owner to some other person for his use and enjoyment. In either case, the lessor received an equivalent for the injury done, and the lessee, in his bargain, was allowed a compensation for the right thus reserved or sold. The lessor would, in that case, feel himself interested in the preservation of game, since he could dispose of it at a greater value, and the lessee would not shut his eyes to the practice of poaching, as he did at present, since the landlord who let the premises would make his bargain with reference to the extent of game preserved on the lessee's property. Game would thus become personal property, and the supply would be as regular as that of any other article of consumption. Thus, it would be unnecessary for those who enjoyed the personal income of the country, to encourage the poacher, as they were now excited to do. Why should not a lessee send a hare or a pheasant to market as well as a sheep or a calf? He could not perceive any good argument against his doing so. The only objection that could be offered was this, that game was moveable, and the property in it not so secure as other species of property were. His position was, that game should always be considered the property of those on whose land it was found. By proceeding in this way they would remove from the mind of the lessee the angry feeling, which now made him look on poaching with apathy; and they would also do away the temptation, on the part of men possessed of personal income, to have their wants, as far as game was concerned, supplied by the agency of poachers. He conceived, too, that his system would introduce a certain sense of moral feeling amongst poachers. At present, they were not checked in their course, by any idea that poaching was a crime. But, when they heard individuals, from day to day, speaking of game as their property—property which they might legally dispose of to the highest bidder—they would at length be checked by that natural feeling which deterred men from committing what was termed a robbery. Besides, the reduced price of game would lessen the temptation. Game would still bear its fair value, as fowls, geese, &c. did, but it would not acquire that accumulative value which circumstances now gave to it. Perhaps it would be said, that, under the proposed alteration in the law, game would be procured by theft, whilst less means were in existence for the conviction of the offender. But against this probability, he would oppose the increased moral feeling, and the decreased price, which would operate more powerfully than the right of search which this law now armed them with. A fiscal regulation, that of granting licences, did exist at present. He had no objection to extend it, and to grant a right of searching where unlicensed persons were suspected of

*

having game in their possession. He would grant every protection to game, consistent with the law of nature, the property of the country, and the general circumstances of the age in which we lived. He would protect it against black-poachers, those who went armed and disguised—he would protect it against snares and nets—he would protect it against the use of air-guns, which, he understood, were very destructive; in short, he would support every mode of protecting game, consistently with the rights of the rich and the poor, of the landed and the personal property of the country. It might be said, that a small proprietor having a field near a large preserve, would decoy the game into his premises, and, having got it there, would destroy it. In the first place, a preserve ought not to be in such a position; for it was clear, that, if the small proprietor did not destroy the game, the game would materially injure his land. But, when nets, snares, and air-guns, were prohibited, how could the proprietor of a small field destroy his neighbour's game surreptitiously? His efforts could only have the effect of frightening them back to their sacred shelter, where they could procure food in abundance. There were some rights which he admitted that he felt it difficult to interfere with. With respect to *royal rights* and *free warrens*, he knew not what to recommend. The last was a right of a curious and complicated nature, the origin of which it was historically difficult to ascertain, granted by the crown to the owner of the soil, and accompanying the soil. Both those privileges he intended to except from the operation of his measure, for he should take especial care not to interfere with any acknowledged real right. He did not touch the real rights of lords of manors; he left him the power of appointing as many preservers and protectors of his game as he chose; he only prevented him from killing game upon the land of his tenants or other men: at present he could not legally do so, nor could any body else delegated by him; and his gamekeeper was punishable, though by a different process. He had forgotten to state earlier, that in considering game as property, it was important to ascertain in what light, as property, it should be viewed, and how an invasion of it should be punished. He would not make the offence larceny; that he thought would be too severe, but he considered that an enactment similar to the 31st of the king, for the preservation of turnips, potatoes, &c. in the ground, might be extended to it. Those articles being, as he considered game to be, the growth of the soil. The penalty of a breach of the act to which he had adverted, was a fine of 20*s.*, and, in default of payment, imprisonment for a certain period. The penalty which he contemplated was 5*l.* per head, summarily recoverable before two justices of the peace, and where the penalties amounted to more than 20*l.* they might be recoverable by action at law. The details of his measure, as far as related to this part of the subject, had been furnished by a gentleman of the profession in all respects most competent. In the case where an occupier, the game on whose land was not preserved for the proprietor by the terms of the lease, had part of it destroyed by such proprietor, he should propose that the penalty of five pounds per head should be enforced against the trespasser—since, as lessor, he had let the right to the game, as much as any other part of his property, to the occupier or lessee. Where sporting leases were already granted, he would provide, that wherever the lessor had given the right of shooting, every such lease should be considered as imparting to the person to whom it was granted, the right to enter on the premises to which it referred, for the purpose of pursuing, killing, or preserving the game on that particular land, although the land itself was afterwards let to another. It would be for the lessee to make the best bargain in his power. He hoped that the House would allow him permission to bring in his bill, and further details could be stated on a future occasion. He had not been induced to come forward by any inordinate love of legislation, but by a sincere desire to remedy existing abuses: he had not proceeded incautiously, but had consulted the most able, discreet, and good men, upon the subject, and had formed his own opinions and this measure upon their judgment. The hon. gentleman then moved, "That leave be given to bring in a bill to amend the Laws for the Preservation of Game."

Sir *John Shelley* argued, that the hon. member would be deceived, if he supposed that his bill would have the effect of rendering the country more moral and less disposed to crime; on the contrary, he was well convinced that poaching, and all kinds of artifices to procure game,

would be encouraged, inasmuch as new temptations would be held out to offenders, and the danger of detection would be considerably lessened. The consequence of an abandonment of the existing system would be to drive country gentlemen to London, by which the now almost insupportable poor-rates would be augmented, and the agriculturists ruined.

Mr. *Bankes* admitted that the present system was liable to many objections; but maintained, that the demoralization (to adopt a word from the hon. mover) would be ten times as great after this bill passed as before it. It was said, that moral feeling and reduced price were to diminish the commission of offences against the game laws; but was it to be supposed that the feelings of the higher orders, and their disgust at crime, would have any operation upon the lower ranks of society? and as to the question of price, it was not possible that the breeder of game could bring it to market at so cheap a rate as the stealer. The thief would always be able to undersell the honest man; so that this part of the project was both wild and absurd. On a former occasion he had stated that he neither agreed with the premises nor in the conclusion of the hon. member for Hertfordshire; and it was a gross contradiction to give a man a right to sell game without communicating to him the right to kill. What common sense was there in such a proposal? There were two or three modes of dealing with the game laws that were quite intelligible, and the first and simplest was, no doubt, repealing them altogether; but what would be the consequence of such a proceeding? It would, as had been said, drive the country-gentlemen to London—it would prevent them from residing on their property, and the injury would be incalculable. The residence of gentlemen on their estates had, more than any thing else, contributed to the prosperity of the nation, and had enabled her to hold her head higher among the kingdoms of Europe; and if that were checked, if any disgust were excited by the abolition of laudable country amusements, the most dreadful results might ensue. The country would be impoverished, and that indeed would end in the total demoralization of the inhabitants of the provinces. Undoubtedly it was an effectual way to put an end to theft, to put an end to property; and if the game laws were totally abolished, poaching would of course be abolished also; but was such a system to be recommended in the present day, and in the present state of feeling? Coming to the enacting parts of the proposed plan, it was obvious that, in order to make it effectual, the penalties must be augmented, and the enforcement of them rendered more strict; yet at the same moment the hon. gentleman multiplied the number of offences, by increasing the facilities, and adding to the temptations. It seemed, however, that the design was, to restore a state of nature as applied to game; what was meant by this he did not exactly know; but he put it to the House how it was possible now to return to any thing approaching a state of nature: if fishing and hunting for a livelihood were to be resorted to, he could inform the hon. gentleman that all the game in Europe would not be found sufficient to supply the wants of one-tenth of the poor population of this kingdom. It might seem paradoxical, but it was quite true, that those laws which confined the pursuit of game to the higher orders, formed one great source of the regularity and industry of the lower orders: if those checks were not put upon the ardour of youth and the prevailing love of the chase, the utmost mischief would arise, and certain demoralization must ensue. Blackstone, though at first censuring little Nimrods, had at last admitted, in another part of his Commentaries, that the game laws were necessary as measures of police to preserve habits of order and industry among the poor. Did the hon. member ever hear of a poacher who was honest and hard working, a good father, husband, or son? Never: yet his measure was intended for the encouragement of that infecting class. The labouring poor would in no way be benefited; the hon. member did not pretend that they would; and by calling game property he would not diminish the desire of taking it. Did the hon. gentleman mean to say, that because of the odium of the existing system among the lower classes of society, the game laws should be repealed altogether? That would, of necessity, be the next step to that now proposed; and the consequence would be, that the poor would resort to the pursuit of game as a means of subsistence; in which event he had no doubt that in two months, all the game in the country would be destroyed. It was well known that such had been the case in France, where, after the revolution, the

people declared that there should be no game-law, or restriction whatever; and now that country was, in a manner, entirely stript of game. It presented a widely different aspect from what it did within his remembrance, when game of all descriptions were straying in every direction, and crossing even the public roads. The hon. gentleman had admitted, with himself, that the preservation of this species of property was of the highest consequence and importance to those country gentlemen who were attached to its pursuits. The country itself, and the surrounding tenantry, were always more indebted to the ardour with which gentlemen resident on their estates entered into that amusement, for the good name they sustained, the hospitality they practised, the liberality they evinced, and the thousand virtues that emanated from them among their own circles, than to any other cause whatever; and these noble qualities would all be involved in one common ruin by the adoption of that project which the hon. gentleman had been speaking of. That project he should most decidedly oppose. It could only create in the lower orders a disposition to become poachers; amongst the higher orders it would destroy rational amusement; and he was sure it would tend to bring about a subversion of that order, and an abatement of that kindness and attachment, which had so long existed between the higher and the humbler ranks of the people. The existing system, though not perfect, was much better than any project he had ever known recommended as a substitute for it; and the House should recollect, that when once a system was disturbed it was sometimes impossible to restore it.

Mr. *Curwen* reminded the House, that on a former occasion, when this question was agitated, it was the opinion of a committee of that House, that it would be much more advantageous to the country in general as well as to sportsmen, that the existing game laws should be done away with altogether. The hon. gentleman who had just down had said, that the bill he was considering was complained of only by poachers; but he must be singularly ignorant of the general feeling prevailing throughout the country, of the marked dislike entertained for those laws collectively and individually, by all classes, if he supposed that that dislike and disgust were confined to one set of men only. The hon. gentleman must know very little indeed of public sentiment on this question, if he did not know that the most respectable classes of society held the game laws in the greatest detestation, as opposed to every principle of fairness and of justice. The hon. gentleman had said that those laws were made for the higher orders of society, and not for the lower—he admitted the fact, and that was precisely the reason that he objected to them; he objected to them because they were not just, because they were not equal; he objected to them also because they tended to destroy the very object they were meant to promote. As the laws stood at present, few felt any interest in the preservation of game—none felt any shame or compunction for destroying it; but if fair, equal, and equitable laws were enacted, the public would feel a distinct interest in the preservation of game; it would be then considered disgraceful to destroy it unjustly. Since the law passed against stealing turnips and potatoes in the field, that species of offence was much diminished. The same consequence would follow, he had no doubt, from the proposed change in the game laws; because, from that moment poaching would be considered a disgrace. The hon. gentleman had talked of poachers; he (Mr. Curwen) was willing to admit that many of them were very improper persons, but at the same time he would say that many others who committed that crime were persons of a very different character. So odious were the game laws now held, that to violate them was no longer held disgraceful, and many respectable persons violated the law. The hon. gentleman had referred to the authority of judge Blackstone—a great man—a great authority upon many subjects, but not the best authority on this subject. The statute of Charles 1st, which Blackstone calls an enacting statute, was a restraining statute—it restrained individuals from that which they formerly enjoyed. He hoped the House would put an end to the system which these laws upheld. He was sure if they were repealed, there would be abundance of game, because every man would feel himself bound to preserve it: it would become as sacred as any species of private property, and he was sure the lower orders would feel as little inclined to destroy it, as they at present did to destroy or to take away any article belonging to the farmers in their neighbourhood.

The game laws were, in truth, unjust and odious laws; they were laws which inflicted much misery and oppression. He hoped the House would adopt some remedy. Equally tyrannical and unjust, they were alike opposed to the true spirit of the British constitution as they were to the true feelings of Englishmen, and they should not be permitted to remain whilst any means existed to accomplish their repeal.

Mr. *F. Lewis* said, he was as desirous as the hon. member for Corfe Castle, that the gentry of England should not be induced to leave their country residences, but it appeared to him that his hon. friend's bill was calculated to avert such an evil, since it gave to all owners of land, full, absolute, and undisturbed possession and enjoyment of it. How could this deter any gentleman from residing in the country? What was it that in reality preserved game? Not the game laws, but the liability to action for trespass. In place of this indirect mode of legislation, he wished to see a substantive measure that would go more directly to the object, by making the killing of game, without the permission of the proprietor, a substantive offence. It had been asked triumphantly, whether he who stole turnips or potatoes in a field, did not get them more cheaply than the person who grew and sold them? But he would ask, whether it was the person who stole, or the person who grew that supplied the market. The fair supposition was, that with respect to game, if the proposed measuse were adopted, it would be supplied by the proprietor of the ground, and not as now by the poacher. Did the hon. gentleman forget the great advantage which the man who procured an article by open, fair and honest means, had over him who procured it by means that were dishonest and illegal? or could he suppose that the latter would be able to stand up against the efforts of that industry which the public would encourage, and the law would protect? It had been asked whether they could get rid of a crime, by saying it was a crime? No doubt they could not; but was it not a most improper course of legislation to call those actions crimes which were not so in their own nature? There was no greater crime in selling a pheasant than in selling a chicken, and the laws which punished the one act while they permitted the other, ought not to continue, unless they were necessary to the enjoyment of property. Feeling that the adoption of his hon. friend's proposed measure would tend to diminish the sum of public misery, and augment the sum of public good, he should certainly give his vote for it.

Leave was then given to bring in the bill.

EXCISE INFORMATIONS FILED IN THE COURT OF EXCHEQUER.] Mr. *D. W. Harvey* rose to move for certain returns relative to Excise Informations filed in the Court of Exchequer. Since he had been in the House, he had understood that an hon. and learned gentleman on the other side meant to oppose his motion. Had he known of this intention before, he should certainly have felt disinclined to proceed; but the suggestions of very many of his constituents, and his own sense of duty, urged him to pursue the course he had taken. He would entreat the attention of the House, while he offered a few remarks, which, after what he had just stated, he should submit with the utmost deference and reluctance. The notice which he gave of his motion was "for a return of the total number of informations filed in the Court of Exchequer, under the Customs and Excise laws, between the 1st January, 1812, and the 1st January, 1819, distinguishing each year [The hon. member here observed, that in consequence of its having been suggested from the opposite side, that such returns would occupy very considerable time, employ a great number of clerks, and be attended with much expense, he would limit his inquiry to one year only, that being sufficient for the principle of his observations; he then continued]; as also for a return of the results of such informations, distinguishing those settled by verdicts from those settled by compositions; and also of the expenses attendant on such informations." His most material object was, to show, that very large and unwarrantable expenses were incurred, and charged upon the revenue, by the constant recourse had to informations of the kind alluded to; his next object, to show that the solicitors of the customs and excise, by constantly resorting to this species of information, entailed the most heavy and enormous expenses on those who were brought into court; and his third object was, to prove that the general system of proceeding in these cases was the cause

of a large and unnecessary expense to that great body of the defendants who were pronounced by the verdict of a jury innocent of the offence imputed to them. He would not attempt to illustrate his object by any reasonings of his own, but should proceed to call the attention of the House to one or two cases which had actually occurred, and which formed the grounds of his present motion, premising, that they were not of a peculiar character, as calling in question the practice of these courts, but afforded a fair sample of the many hundreds of cases which occurred in the year. The first case was that of a very respectable and benevolent merchant of London who, some time since was induced, from motives of pure benevolence, to advance to a decayed tradesman, formerly in better circumstances, 1,000*l.*, in order to enable him to open a shop as a retail dealer in coffee. For this friendly and liberal loan, the merchant neither required nor received any other compensation than that which sprung from the consciousness of having performed a good action, and had no other security but his confidence in the tradesman's honour. His name, at that person's request, he suffered to be inscribed over the door; and it was also registered in the excise office, where the licences were granted. Shortly after, the very active and laudable inquiry was adopted into a system of the most nefarious fraud, practised by certain tea-dealers, in regard to an article of such general consumption, that it greatly prejudiced the healths even of the lower orders. Last year, in the course of that inquiry, an information was filed against the merchant, for the first time in his life, for a breach of the revenue laws; and the first communication that he had on the subject was an official letter from the solicitor of the excise. That information, which was laid at 100*l.*, was not against any deleterious article, but against a powder known by the name of the vegetable powder; which all dealers in coffee were prohibited from selling, and wisely prohibited, because that powder was used for the adulteration of coffee; and if persons engaged in the trade were allowed to have that powder in their possession, they might the more easily mix it with coffee, a fraud which, he understood, it was difficult to detect. A quantity of that article was found in the shop, but it had been long in the possession of the occupier, who had not been aware that it was illegal to expose it for sale, and it had been always open to the inspection of excise officers. The merchant, on finding that an information had been laid against him, memorialized the board of excise, informing them that he had no connexion with the business, so far from being a principal in it; acquainting them with the reason of his name's being affixed to the door of the shop, confessing the fact of such a quantity of vegetable powder being on the premises; but pleading entire ignorance of any illegality attached to the selling of it by a dealer in coffee, and finally praying that all parties might be summoned before the commissioners of excise, and that if the charges should be made out, such punishment might be meted as they should think the case deserved. In answer to this he received a private circular—a proof that no circumstances, such as his confessing to the fact, or his ignorance of the illegality of his selling vegetable powder, were ever taken into consideration: that circular stated that in no case were informations filed that were not supported by respectable testimony; and among other things, contained this passage: "the petition makes no offer, and as the board has already ordered proceedings, it cannot now stay them, there being no offer to pay fine, or costs, or both." The merchant reiterated his memorial, offering 10*l.*, which was refused, but in lieu of which no other sum was suggested; he was merely told, that it could not be accepted. He then made an offer of 20*l.*, which was also negatived, but with an intimation that 30*l.*, with an agreement to pay costs, would probably be successful. He mentioned this, to show that these informations were very numerously filed, every year for no other purpose than to get heavy costs out of the pockets of parties. The gentleman, on this intimation, was induced to inquire of the solicitor of the excise what would be the probable amount of costs? He was told that they were at that moment from 55*l.* to 60*l.*; so that, although there was no wilful violation of the law, he found he must pay the full penalty of 100*l.*, which is the heaviest, even in cases of determined and premeditated infringements of the statute, or pay these costs; which, with the composition of 30*l.*, amounted to nearly the same thing. The solicitor not condescending to give any details of the costs, the party proceeded to try the case; and that being almost an

admitted one, it might naturally be presumed that one counsel and one witness would be sufficient for all purposes. But would the House believe, that in order to conduct this most important cause, five of the most grave and learned counsel at the bar were retained? These five counsel were an expense of 50*l.* at least. There were the other expenses attending the examination of witnesses, &c.; but all this was not enough, for this momentous cause, they must needs summon a special jury; a common jury might have done, but then only three counsel would have been requisite; a special jury rendered five necessary; no bad method of putting fees into the pockets of legal advisers, at any rate. The special jury, on this trivial case, cost a sum of 17 guineas. Thus, with the 60*l.* costs demanded, 50*l.* fees to counsel, and the costs of the jury, the expenses amounted to 130*l.*, and other expenses made it at least 150*l.* He would venture to state, that the result of an investigation would show, that in every cause, however easy of proof, or simple in its circumstances, it might be, the costs did not amount to less than 150*l.* How the revenue itself was affected by this mode of proceeding was a question that deserved the consideration of the House. If the exertions of five learned counsel were necessary for the crown, the interests of the defendant might require the same number, but that number he might not have the means of retaining. Had the commissioners of excise rejected the petition at once, they would have acted in a manner more consonant to the principles of justice, and as the commissioners of stamps acted in similar circumstances. Even where the penalty was mitigated to the sum of 30*l.*, an enormous bill of costs still remained, and the whole expense did not fall far short of 100*l.* The mitigation was therefore a nullity in those cases in which the original penalty was of no higher amount. The solicitor of the board of excise had a power equal to that of judge and jury. It would not be difficult to falsify the statement contained in the printed circular, in which it was asserted, that no information was filed, till the evidence that was to support it had been thoroughly sifted and examined. He believed, on the contrary, that the mass of prosecutions arose out of malicious motives and base conspiracies against particular individuals. An instance of this kind had recently come to his knowledge. A man of despicable character took a range of obscure and dilapidated buildings, in London, for the pretended purpose of becoming a brewer of table beer, and immediately set to work to draw honest tradesmen in his neighbourhood into his snares. He knew that by an act of parliament a penalty was imposed on those who sold treacle or molasses to brewers, and the manner in which this unprincipled miscreant acted was, to call at a tradesman's shop, in the absence of the master, to purchase this article—to make inquiries as to the place the family bought their table beer—to say he would send them a small cask home—and finally, to order the shop-boy to follow him for payment, in order to establish evidence against the tradesman: first, that he sold the article; secondly, that he must have known that he had sold it to a licensed brewer, because his boy had been at his house, and had seen his apparatus there. In this way many respectable tradesmen of London had been betrayed into an offence against the excise laws. Such a practice was peculiarly reprehensible, because a suit in the court of Exchequer was not the only, or the least oppressive mode of proceeding. The commissioners had a concurrent jurisdiction, and a discretionary authority of mitigating the penalty, which did not belong to the higher court; but the power of the solicitor to the commissioners was of princely extent, and the authority which he exercised without control.

In the case which he had just described, an individual of the worst character had brought within his vortex a number of most reputable citizens. When a man happened to be in this predicament, his doors were generally beset by a number of officers of excise, who never failed to advise him to compromise the matter—to do any thing rather than go to a trial. This was done nine times out of ten for the sole purpose of aggrandizing themselves at the expense of these poor persons. One of the men informed against by this table beer brewer was, in consequence of this advice, induced to present a petition to the commissioners—he was induced to offer as much as 150*l.*, but this was rejected. At last he took the advice of his friends, screwed up his courage, went into court, when his cause was defended by two able counsel. When the wretch who was the informer came into

cent, he ought to pay nothing, but if he had offended against the laws, the officers of the crown only did their duty when they saw that the crown was reimbursed. The hon. gentleman had mentioned another case of a brewer—all he could say was, that he had never heard of the particular case mentioned by the hon. gentleman. But he knew of a number of cases of little brewers being convicted of manufacturing a beverage for the lower orders, of molasses, treacle, paradise seeds, coriander seed, Coculus Indicus, and similar materials. He never, however, had known of one great and respectable house having been engaged in that practice. But though the great traders supplied the beverage as it should be drunk by the labourers, the publicans and others who retailed it, got it mixed with deleterious ingredients by fraudulent brewers; and if these fraudulent brewers were not supplied by chemists and druggists with these ingredients, the thing could not be done. There were no cases into which he was more desirous of going, than those in which those abuses took place. The hon. gentleman had mentioned a case in which the informer was not believed on his oath. He knew not if the exact case was in his recollection, but if he recollected right, it was this:—A person laid an information against two or three tea-dealers, that they dealt in vegetable powder. In this case the whole packages consisting of Dutch pink, sloe leaves, &c. were fortunately put on the table. Three tea-brokers, whom he acquitted of any intention to deceive, said the composition in question was common tea. Being on the table, any juryman could take what he pleased of it. He had called as a witness a very young man, who had been engaged about a year in the manufacture of spurious tea. This young man having an excellent eye, took every one of the samples on the table to the light, and picked out what was spurious. When the tea-brokers smelt it, they all said they never saw any thing like that come from China. When an article was seized and laid on the table he never knew the crown to be worsted; but when otherwise, the crown was often outsworn. In this case from the tea being on the table the witness was believed, but in the case of some coffee which was seized, and for which there was only the evidence of the same witness, the jury gave a verdict against the crown. With respect to what was said as to the employment of five counsel for the crown—there were undoubtedly five counsel employed—the attorney and solicitor general, two king's counsel, and one junior counsel. It was true that causes sometimes did not take up much time; but there were many which were of a very different description. When the defendant craved mercy, there was often the greatest difficulty in deciding how to act, in order that when the penalty was heavy, the person on whom it fell might be made to feel it, yet not be totally ruined. Many men of the lower orders were engaged in smuggling transactions for the benefit of others, for whom his heart ached. His object in such cases was to get behind the curtain, and to endeavour to feel how, in fixing the sum, he might punish without inducing the merciless master to leave the man to his fate. Frequently seven, eight, and nine hours were consumed in a cause in the court of exchequer. It was impossible that he and his honourable and learned friend, the solicitor-general, could constantly be there. Sometimes his learned friend was in one place, and he himself in another, neither of them in the court of exchequer; and it was necessary that their place should be supplied by able counsel, experienced in revenue proceedings. Of this he was certain, that more counsel were not employed now than had usually been employed. As to the necessity of special juries, in such cases, it was to be observed, that there was a latitude in the minds of men upon these subjects, which rendered many persons, otherwise honest, perfectly disposed to cheat the king, as it was called. The consequence of doing away with special juries would be this, that if men occupied in fair traffic were impanelled, the defendant would be more than half condemned in their opinion, and those who indulged in such practices themselves, ought not to be permitted to judge at all. He denied that it was or ever had been the practice of the court of exchequer, or of any other court in the country, to pay the special jurors more when they found a verdict for the crown, than when they found one for the defendant. Whether he met with the approbation of the hon. gentleman or not, he could state positively, on his own knowledge, to the House, that no prosecutions were undertaken in the court of exchequer, with any other view than that of recovering the penalties annexed by law to the offence of smuggling. As

to the suggestion of conducting such proceedings before magistrates, it might be advisable in cases of small importance, but the court of exchequer alone was capable of meeting the greater and more difficult, and those in which actual seizures were made.

Mr. Alderman *Waithman* said, he had never in his life risen to offer his sentiments with greater diffidence and reluctance than on the present occasion. He had known the hon. and learned gentleman many years, and he believed his character was composed of the qualities of kindness and humanity, and that he had individually every disposition to soften the rigours of the system his duty required of him to preside over. Most sorry therefore should he be if any thing which might fall from him could be construed into a reflection upon the conduct of the hon. and learned gentleman. Nothing could be further from his mind, and he thought that the intention of the mover of the present motion was also much mistaken when it was so interpreted. The hon. and learned gentleman had vindicated himself unnecessarily, without answering one of the arguments, or noticing one of the cases brought forward against the system as it now existed. If he understood the complaint at all, it was against the system, yet the only answer given was, that the system was such as he had found it. The attention of the House was now turned to the state of the penal laws and the relief of insolvent debtors, the present question embraced a part of the same system, and was equally deserving of consideration. The hon. and learned gentleman himself had given notice of a motion for the relief of insolvent debtors; he would ask, had the Crown any mercy upon its insolvents? Then why not soften the rigour of the law with respect to them also? So convinced had he been of the necessity of inquiry and revision, that he had himself prepared a motion of the same kind, without any knowledge of the intention of the mover of that before the House, to which he thought, without ten minutes speaking, the House would agree. The hon. and learned gentleman maintained that the subject suffered nothing, because such was the state of the law; but he could himself state another case to show that the law or the practice required amendment. He would add, that a person might be dragged into the court of exchequer without knowing why he was dragged there. He had suffered himself from the arbitrary proceedings of that court, having been charged by a base conspiracy with the sale of an India handkerchief, which one of his men brought out of a ship, and which was seized in his house. The hon. and learned gentleman talked of robbing the king, but he would ask him to go into the courts, where probably he would see, as he (Mr. Waithman) did in the course of the last fortnight, one of the judges pull an India silk handkerchief out of his pocket. But to return to the case; he was fined in a penalty of 200*l.* for this alleged offence. Afterwards, however, it was compromised for 100*l.* on his innocence being proved by collecting the evidence of 20 or 30 clerks, who were dispersed about the country; but the costs had already amounted to 150*l.* so that it would have been better for him to have submitted to the fine in the first instance. At least it would have cost him less by 50*l.* In another instance it was rumoured generally for six months before it reached his ears, that he was exchequered to the amount of 20,000*l.* He discovered about that time, that informations to the amount of 2 or 3,000*l.* were obtained against him. Yet from that day to this, he could not find out for what cause or by whom the information was given, though it must have been given upon oath. He was visited by some of the law agents for the crown, and solicited to submit and compromise; but he refused, because conscious of his innocence, and determined to meet and refute those charges. The attorney-general, however, whose kindness he acknowledged, was so much ashamed of the first information that he declined to act upon this. [The attorney-general intimated that it was considered the hon. gentleman's partner had been guilty of the charge alleged, but that he had no part in the transaction.] Mr. Alderman Waithman said, he could trace every inch of the goods, and that not one of them had been contraband. He knew nothing of the cases that had been brought forward by the hon. mover, but he did know that the proceedings of the court of exchequer were attended with enormous expense. If abuses did exist, no gentleman could say that those accounts were not necessary; if they did not exist, then should the government itself come forward and produce the proof. The hon. and learned gentleman,

instead of adopting such a course, had declined to meet the arguments of the hon. mover, instead of answering the cases that were produced, he had contented himself with the production of others; and had sat down after all without informing the House whether it was his intention, to support or to oppose the motion.

Mr. *Tierney* said, that the angry tone in which his hon. and learned friend had met the clear and perspicuous statement of the hon. gentleman behind him, he supposed was meant as a warning to all who had any complaint to make of public grievances or abuses in that House, to be measured in their language, and to beware of any expression that might by any ingenuity or sophistry, be tortured into a personal aspersion on gentlemen opposite. He could not see that any aspersion had been uttered on this occasion, except it might be on persons connected with the board of excise. On the contrary, the hon. gentleman behind him had said, that the hon. and learned gentleman had always discharged his duty in a manner which was highly creditable to him. For his own part, there was no difficulty in his saying, that there was no man at the bar for whom he had more respect than for his hon. and learned friend opposite. He had listened with great jealousy to the statement of the hon. gentleman, and he conceived that every one ought to listen to such statements with jealousy, because they were ex-parte; and he had waited patiently to hear what answer would be made. He knew, burthened as the country was with taxes, that the revenue could not be supported without rigorous measures; and therefore he should not have listened to the attack made on the system, unless he had been convinced that it could be carried on without those severities which were complained of. The hon. gentleman who brought forward the motion had stated instances of great unnecessary expense and hardship to individuals, and not one of those cases had been contradicted or explained by his hon. and learned friend. The first case mentioned by the hon. gentleman was one of great hardship. A man pleads guilty, and offers first 10*l.*, then 20*l.* and receives a hint that he may get off for 30*l.*, and paying the costs; but the costs amount by that time to 56*l.* He would ask, whether any man in the House, who heard that the expenses had amounted to 56*l.* before the trial would say that this did not require investigation. The full penalty was only 100*l.*; and since he was to pay a mitigated fine of 30*l.* and 56*l.* of costs, the individual charged thought, and very naturally, that he might as well stand his trial. As to special juries, he differed in opinion from the hon. gentleman behind him, and thought that in such cases they were necessary; but what he wished to know was, why a man who pleaded guilty should be compelled to go into court, and why five counsel should then be necessary. The next case was one of a different description. The poor youth is entrapped, and the man of the shop inquires into the case and cannot understand how he is liable. He goes, however, to trial, and it is proved that the informer is so injured in character, that the jury find a verdict for the defendant. When such a case was stated, he was at a loss to conceive how any one could deny that the system was bad. The third case was that in which a smuggler had plotted the destruction of another man. The hon. gentleman thought that this case might have been tried in another court; but the attorney-general said it could not; and he therefore took it for granted that it was right to bring it into the court of Exchequer. The man is acquitted of any intention of smuggling, but then there is another information to recover the penalty on the bond. Thus two informations had been filed, although it followed logically, that if the first was disproved, the other could not be maintained? Was it not strange, that before the issue was known, there should have been two informations filed?—[The attorney-general here made a remark across the table.]—It was very odd if he was wrong, for he only mentioned the circumstances of the case as stated by the hon. gentleman behind him, and which the hon. and learned gentleman had forgot to answer in his speech. It was the duty of the House to see that the severe system which it was perhaps necessary to support should be carried into effect with as little abuse as possible. With this impression, he did not anticipate any objection to the motion. He supposed that it would be granted. [No! from the attorney-general.] Then it was to be understood that the opposition of the hon. and learned gentleman, to the motion increased in proportion as the speeches in its favour multiplied. There had been three speeches for it, and only

only one against it; and yet the resistance of the hon. and learned gentleman seemed to be more decided than at first. He could not conceive that it could do harm to a human being. It was merely intended to procure information, and not to fix blame on any one; yet the gentlemen opposite had come down to resist it, provided with every thing but reasons for their resistance. They had all the machinery and apparatus of debate, excepting only the arguments. It was to be hoped, however, that they would condescend in time to show what inconvenience would attend the passing of the motion; for, on the other side, cases of hardship were made out which had received no contradiction. In the minds of reasonable men there could be no possible objection to grant complete information in a case where such hardships occurred, as might lay grounds for the interference of parliament.

The *Solicitor General* contended, that there were no grounds laid before the House to induce it to assent to the motion of the hon. gentleman. He maintained that the hon. gentleman who made the motion had cast an imputation on the manner in which prosecutions were conducted by his hon. and learned friend. He had distinctly stated, that even when cases got into the court of Exchequer, they were conducted there not with a view to the penalties, but to the accumulation of costs. With respect, therefore, to the warmth displayed by his hon. and learned friend in repelling the accusation with which the mover had charged him, he could not but consider it as justifiable and highly proper, particularly as the solicitors of the excise were branded with an imputation disparaging to their character. The offers of composition never came from the law officers of the Crown, but were always made by the defendants. The right hon. gentleman certainly mistook the tendency of the arguments of his hon. and learned friend, whose entire speech was against the motion. He had come unprepared on this question to the House, and did not, therefore, expect to have the honour of addressing it this night; but he would, however, endeavour to follow the right hon. gentleman in relation to the three cases which he had enumerated. The first was, that of an individual who lent 1,000*l.* and his name to a person who was detected selling vegetable power. If the prosecution against him, who appeared the ostensible person, was to be quashed on the ground stated, to what situation would the excise be reduced? No more would then be requisite towards deceiving it, and rendering all its proceedings nugatory, than to have the name of another as proprietor to use when any information was about to be filed.—The next was the case of a brewer, who was said to have entrapped persons by purchasing molasses from them. The defendant in this case, did not prove any illegal combination among the witnesses, but as it appeared that the person who was stated to be the brewer, was not known as such, a verdict was therefore found for the defendant. Would the hon. member contend from one acquittal in a hundred cases, that the commissioners were to blame for proceeding in the other ninety-nine? If this argument was valid, no system could stand. It was utterly impossible for any man who went into a court of justice to predicate, with certainty, how the case would terminate; and if no prosecutions were to take place unless where there was a certainty of conviction, it would be utterly impossible to carry on any prosecution. With respect to the case of the smuggler, which was said by the hon. gentleman to be a great hardship, because two informations had been filed against him, instead of being a hardship, it would in fact turn out to be much in his favour; for as the same evidence would be requisite towards proving in the case of the bond as in that of the information, it followed in case of an acquittal, or of an opposite verdict, that the costs would be much less than if the witnesses were all obliged to attend at two separate trials. He defied the hon. member to prove that offers of composition ever came from the officers of the Crown. On the contrary, defendants finding that the cases were clearly against them, after the best advice, applied frequently that the costs might not be exacted, and that part of the penalty might be remitted. He regretted much that the worthy alderman should have introduced a personal case to the notice of the House. Proceedings, it appeared, had been instituted against the worthy alderman for having illicit goods in his shop, and he asserted that those proceedings had been founded in the grossest perjury. If such were the case, why did not the worthy alderman proceed against those perjured conspirators against his property and character, at law? It was

true the worthy alderman might not be cognisant of the fact, but his partner, or some person connected with him in his business, had introduced into his house illicit goods. He did not proceed against the conspirators, but, with the advice of his counsel, he compromised the matter, and actually paid 100*l.*—[Mr. Waithman intimated that he had spoken of another transaction]—Then there were two cases.

Mr. Alderman *Waithman* said, he was sorry to interrupt the debate, but the hon and learned gentleman was mis-stating the entire transaction. There were two different cases concerning him which the hon. and learned gentleman confounded. In the first a servant had brought into his house, at the request of a person from the country, a piece of handkerchiefs, which was seized; and he, though he was in the commencement entirely ignorant of the introduction of that article into his premises, paid the penalty of 100*l.* and the costs amounting to 150*l.* In the second the articles which were laid to his charge would be proved by the affidavits of himself, his partners, and servants, never to have come into his custody. He had memorialized the board of excise to know the names of the informers, which he could never learn.

The *Attorney General* alluded to a second proceeding which had been instituted against a house in trade, of which he said the worthy alderman was a partner.

Mr. Alderman *Waithman* said, the facts, as stated by the hon. and learned gentleman were not correct.

The *Solicitor General* maintained that in neither of the cases was there any ground for impugning the present system. One of them had been abandoned by the commissioners, because no proof could be adduced; and in the other the penalty of 100*l.* was paid, because there were grounds for the information. The reasons therefore which had been urged in support of the motion only tended to show that the present system was not justly liable to the attack which had been made upon it. Feeling that there was thus no foundation for the hon. gentleman's proposition, which went to affix blame in a quarter in which it appeared that no blame whatever was imputable he should certainly dissent from it.

Sir *M. W. Ridley* had yet to learn why the papers moved for should be refused. It was stated on the other side, and particularly by the hon. and learned attorney general, that the motion imputed blame to the commissioners and others. He had the pleasure of being intimately acquainted with the solicitor of excise; and, on the behalf of that gentleman, he was desirous to have the fullest and most public investigation of all that had taken place. It was impossible for any man to deny that the system of excise was extremely vexatious, and oppressive. He admitted that we could not get out of it at once; but inquiry and publicity would relieve and alleviate in the mean time, and facilitate a final and complete remedy. He would not detain the House longer at that late hour, than merely to state, that the motion should have his warmest support.

Mr. *W. Smith* felt that the defence of the commissioners could not have fallen into better hands than those of the two hon. and learned gentlemen opposite; the one universally allowed to perform the arduous duties of his office with fidelity to the public, and kind attention to the defendants: and the other distinguished by his ingenuity and abilities. He was afraid, however, that the solicitor general was not long enough acquainted with the nature of the causes brought on in the court of exchequer to understand one half of the system he was defending. Of the three cases stated by the hon. mover, he knew nothing; but he would state other three within his own knowledge, and in doing this, he must say that he had always found in the treasury a strong disposition to grant every relief to sufferers. The first case was one in which the penalties were from 1,500*l.* to 2,000*l.* He was consulted in this instance, and strongly urged the defendant to proceed to trial, and to make no compromise. The late solicitor of the excise offered to drop all further proceedings, provided the costs were paid but he (Mr. S.) urged the defendant not to accede to it, and the case finally dropt. If the House had been that of an inferior or small dealer, it must have sunk under such a charge. The second case was brought to him by his late lamented friend sir Samuel Romilly, and was that of a small dealer in malt, in the West of England, who was prosecuted for a small penalty, amounting to 30*l.* which he having agreed to pay, was also obliged to pay costs, amounting to 90*l.* more. In the bill of costs which he himself had seen, there were charges for briefs to four or five counsel. These were abuses which re-

quired to be rectified. If the unfortunate defendant was to pay these costs it was a dreadful grievance; if the public was to pay them, it was highly scandalous. The next which he would mention, was a case of the greatest hardship. An ingenious manufacturer had set up in Yorkshire a manufactory of smalts, which, by his ingenuity and labour was about to be brought to a degree of perfection, which would have prevented the necessity for importing that article into this country. The whole of his materials were seized by the excise officers, and notwithstanding his request, removed from his premises; and all were mixed together, and therefore spoiled. The treasury after two hearings were convinced of his innocence, and ordered a total restitution; but every thing was returned incalculably diminished in value. The unfortunate man died of a broken heart, having in vain solicited compensation for the loss of his property The officers were justified in law, but it was a cruel abuse; *Summum jus, summa injuriæ.* Now these were only a few instances of the many abuses which had crept into the system, and which it was the bounden duty of parliament to remedy. On these grounds he should feel it his duty to vote in favour of the motion.

The *Chancellor of the Exchequer* thought it would have been unnecessary in him to have addressed the House, considering the very satisfactory manner in which the case had been argued by his two hon. and learned friends, but he could not help saying a few words because the last case mentioned by the hon. gentleman had come under his cognizance as one of the lords of the treasury. That case had no connexion with the present question, as it had not been in the exchequer, but had only been an act of the excise officers, by order of the treasury, in consequence of an apprehension that the manufacturer defrauded the revenue. His ruin had been occasioned by his not having obtained a legal protection for his manufacture. The case was certainly one which he extremely lamented; but it had unfortunately happened that this individual did not previously apprize the excise of the nature of his manufacture, and in the process it was necessary that he should manufacture glass, which involved an infringement of the excise laws. The excise in the whole transaction had confined themselves strictly to the power with which they had been invested by law. The other two cases had been brought forward by the hon. gentleman in order to contradict the statement of his hon. and learned friend, that the crown never entered into compromise, but they were not in contradiction of that statement. In the one case, the Crown did not prosecute; in the other, it was a compromise on the part of the defendant. He saw no grounds for the motion. In an immense majority of cases, the commissioners had been fully justified in what they did, and he therefore, called upon the House to reject a proposition which tended solely to affix a stigma on the judges, the law officers of the Crown, and the excise laws of the country.

Mr. *Lushington* felt himself bound to oppose the motion, from a conviction that it would be injurious to the individuals concerned to have their names disclosed, and equally injurious to the public by a great number of clerks being taken from their ordinary duties to draw up the returns. He was of opinion, that much more information would be derived if the hon. member would call for specific information on specific cases. It was quite impossible that the House should go into a formal examination of all the causes which the present motion called for.

Mr. *Williams* expressed his astonishment that the right hon. gentleman should think that there were no grounds for the motion, merely because the facts stated had been disputed. He had listened to all the arguments which had been brought forward, and thought that the only way of getting rid of suspicion on the part of the public would be to grant the motion. If the information sought for on the present occasion was not afforded, the public would suspect that there was some improper motive for withholding it. In order to obviate one difficulty which had been raised, he would suggest that the cases might be given without the names of the persons concerned in them. In the present times he considered every sixpence as of importance to the public, and if a cheaper way of conducting prosecutions could be shown than that which was now adopted, he conceived that consideration alone would be a sufficient ground for the motion.

Mr. *D. W. Harvey* replied. He observed, that the attorney-general had said, that not one case in a hundred terminated favourably for the defendant. He would

not dispute this, but he was ready to produce twenty verdicts for defendants within the last year, and therefore there must have been the enormous number of 2,000 prosecutions. The attorney-general had said that magistrates had not the power of seizing ships. He would not have the presumption to contend with the hon. and learned gentleman on the subject of acts of parliament; but while an act of parliament existed, empowering magistrates to seize ships of a certain burthen, he must say that they had the power. The hon. and learned gentleman had said, that the cases were brought into the exchequer for publicity; yet they had since been told that such was their tender regard to the defrauders whom they had prosecuted, that their names must not be known. The expenses were enormous, and quite unnecessary, for one half of the cases were compromised. When the proof was clear and complete, why employ five counsel? Compromises, too, were generally entered into, solely in order to avoid the certain ruin to a man's credit that attended his prosecution in the Exchequer.

The House then divided: Ayes, 54; Noes, 72: Majority against the motion, 18.

List of the Minority.

Althorp, viscount	Maule, hon. W.
Brougham, Henry	Macleod, Rodk.
Barham, J. F.	Monck, sir C.
Barnett, James	Moore, Peter
Bernal, Ralph	Newport, sir J.
Calvert, N.	Newman, R. W.
Churchill, lord C.	Phillips, C. M.
Calcraft, John	Philips, George
Clifton, lord	Philips, G. jun.
Dickinson, W.	Power, Richard
Dundas, Thomas	Palmer, C. F.
Davies, col.	Pares, Thomas
Ellice, Edward	Price, Robert
Ebrington, lord	Ricardo, D.
Farrand, Robert	Ridley, sir M. W.
Griffiths, J. W.	Robarts, W. T.
Guise, sir W.	Smith, hon. R.
Grenfell, Pascoe	Sefton, earl of
Honeywood, W. P.	Smith, William
Hume, Joseph	Thorp, alderman
Hurst, Robert	Tierney, right hon. G.
Hutchinson, hon. C.	Wilkins, W.
King, sir John D.	Wilson, sir R.
Kennedy, T. F.	Williams, W.
Lambton, J. G.	TELLERS.
Latouche, John	Harvey, D. W.
Merest, W.	Waithman, alderman
Maxwell, John	

HOUSE OF COMMONS.

Wednesday, March 10.

MAD HOUSES REGULATION BILL.]

Mr. *Wynn* rose to move for leave to bring in a bill for the regulation of Mad-houses, and observed, that as this subject had been already several times before the House, he did not feel it necessary long to trespass upon its attention. It would be recollected, that some years ago, the report of a committee had been laid before the House, detailing such scenes of misery and wretchedness in mad-houses, as had perhaps never been paralleled; and after such an exposé, it was the obvious duty of the House to follow up the report by the adoption of some legislative measure, calculated to put an end to the evils complained of. There was, however, no fault to be found with the conduct of that House; for it had done its duty, by repeatedly sending up a bill to the other House of parliament, which that House thought proper to reject. He believed it was not irregular to advert to the proceedings of the other House in a former parliament; and he could not forbear from remarking, that no reason was at any time publicly stated in that House for rejecting the bills alluded to. He was indeed at a loss to divine the grounds upon which such rejections took place; and as none were urged, it was the duty of the House to persist in its purpose of legislating, with a view to correct the enormous evils, which, upon full inquiry before a committee, were demonstrated to exist. Many of the evils described in the report of that committee had been removed or abated; but, too many of those evils still existed. The regulations desired were not generally adopted; and a proper system of regimen and control was not yet established. No effectual provisions, indeed, with a view to that establishment, had yet been enacted; for it appeared, that although no mad-houses could be legally opened, without a license from the college of physicians, that body was not in possession of funds to prosecute such as might violate the law. Under these circumstances, he proposed by the bill which he meant to bring in, that a general board of inspection for mad-houses should be appointed, and that the members of that board should be at liberty to visit such houses throughout the country at different and uncertain times, so as to ascertain the manner in which they were conducted, and to report any existing evil to the board, which should be invested with powers to enforce their correction. There was a provision in the existing law, that no lunatic should

be taken into any mad-house, without a statement of the name of such lunatic, with that of the person by whom he was sent in, and the degree of relationship of such person to the lunatic, together with a medical certificate as to the nature of his disease. Now, he understood that this provision was not unfrequently evaded by a mis-statement of the name of the lunatic; and it was one of the objects of his proposed bill to impose a penalty upon all such wilful mis-statements. He had been told, that one of the objections to the former bills upon this subject in the other House was, the proposition to have a board of inspection appointed in each county, at the general quarter sessions. Upon what valid ground this objection was entertained, he could not well conceive; but he was not unwilling to have the power of making such appoinments vested elsewhere. Another provision in the former bills, which he heard was particularly objected to in the other House, was this, that any house, having only a a single lunatic, should be bound to make a return of the name and situation of such lunatic to the office of the secretary of state for the home department, to be there registered; and that such register should be open to inspection only by the secretary of state's permission, upon special application made to him for that purpose. He was ready to admit, that the feeling of delicacy and tenderness for private families, upon which this objection rested, was entitled to due consideration. But let it be recollected, that a person might be so confined, without any medical certificate, and that great abuses might arise out of the toleration of such a system. To guard, then, against such abuses, he thought it indispensably necessary that some plan should be adopted for registering the names of all persons so confined. For in case it should be required, by any relation of any such person, to ascertain his actual condition, how could he proceed to do so? If not enabled to know the place of his confinement, to whom was the Court of Chancery to address a Habeas Corpus to bring up any lunatic, or alleged lunatic, for examination? He proposed, then, that a register should be established under the control of the secretary of state, through whose permission alone such register should be inspected. This arrangement was the more necessary, as he understood that many instances had occurred in which persons so confined had been kept under restraint long after their disease had been removed. But the unnecessary continuation of such restraint was not uncommon in the several private mad-houses. Such instances of abuse had indeed been found to occur even in the mad-house under the direction of Mr. Bakewell, of Staffordshire, which was confessedly one of the best regulated houses in England. The hon. gentleman concluded with moving for leave to bring in a bill for repealing the acts of the 14th and 55th of the king with respect to mad-houses; and for making other provisions for the better regulation of such houses.—Leave was accordingly given.

Exchequer Balances.] On the motion, that the committee of supply be deferred till Friday,

Mr. *Grenfell* said, that the observations made on a former evening by the chancellor of the exchequer on the subject of the Bank balances, and his statements of what they were likely to produce to the public, had created strong impressions in and out of doors, and that those impressions had led to the greatest errors and delusions. He would appeal to the House, whether the conclusion which might have been fairly drawn from what the right hon. gentleman had said on the 2nd of February, and on last Friday, was not that 6,000,000*l.* would be available to the public services in the way he had then described? This was the impression which had been made upon him. This was the conclusion he had drawn; and he fondly imagined that he should have no more occasion to impress the propriety of such a measure upon the House. In this opinion he had continued down to a late period on Monday; and he called upon every member present, who had heard the right hon. gentleman, to say, whether such was not the opinion which each of them had formed? But what was the fact? It was this, and he would stake his credit upon the truth of it; that instead of 6,000,000*l.* being applicable to the service of the public, in the way which had been stated, the House would find, that the public would not have the benefit of half that sum. He would state farther, that of the heads of balances, which amounted to 56, the public would only derive benefit from one. From all the others they were to be excluded, and the whole of what was intended to apply to their service was only a deposit of exchequer bills. He would

to-morrow move for certain papers which would more clearly explain this matter to the House.

Mr. *Lushington* regretted that the hon. member had not delayed his remarks until the chancellor of the exchequer was in his place. For his own part, he had no hesitation in saying, that the 6,000,000*l.* would be applicable to the service of the public, and that the result would prove the correctness of his right hon. friend's calculation.

Mr. *Tierney* remarked, that his hon. friend had said no more than what would turn out to be the fact, namely, that after all the boasting about the 6,000,000*l.* there would not be a sum of more than 3,000,000*l.*, or from that to 4,000,000*l.*, so applicable.

Mr. *Maberly* conceived that the whole subject would be found to have been misstated or mistaken, as far as the advantages to be derived by the public were concerned. The fact was, that of these 6,000,000*l.*, there would be 3,300,000*l.* to pay the arrear of the consolidated fund; and that, in order to pay the Bank the sum due to them, it would be necessary, in addition to the remaining sum, to take 300,000*l.* from the ways and means of the year.

Mr. *Huskisson* said, that it might no doubt be necessary to apply a part of the ways and means of the year to the liquidation of the 3,000,000*l.* due to the Bank. It should be recollected, however, that as it was determined to discharge that debt, it would have been necessary to take the whole sum out of these ways and means, if it were not for his right hon. friend's proposed application of the public balances alluded to. But the fact was, that this application itself constituted a part of the ways and means for the year.

Mutiny Bill.] On the second reading of this bill,

Sir *Isaac Coffin* expressed a desire to assimilate the proceedings in courts-martial in the army to those in courts-martial in the navy. In the latter service the sentence was declared immediately, and in open court; in the former it was referred to the inspection and consideration of the commander-in-chief, and was not in some cases declared till six months after the sitting of the court-martial. He thought it neither consistent with law or justice that such a practice should be allowed to continue. No man entertained a higher opinion of the present commander-in-chief than he did; and he did not wish to make the slightest insinuation against that exalted individual; but still he thought the present practice was most faulty, and such as ought to be instantly amended.

Lord *Palmerston* said, that when the proper time arrived, he trusted he could adduce satisfactory reasons for the existence of the present practice in military courts martial.

HOUSE OF COMMONS.

Thursday, March 11.

Complaint against Mr. Wyndham Quin.] The order of the day being read for taking into consideration the Matter of the complaint against the hon. Wyndham Quin,

Sir *R. Wilson* said, that as it had fallen to his lot to present the petition on which the House was now about to institute an inquiry, it became his duty to put such introductory questions to the witnesses who might be called to the bar, as would serve to bring forward the facts as far as he had been made acquainted with them, and to connect the chain of evidence which it was in the power of the petitioner to offer. His object was to obtain truth, and that in the most explicit and unequivocal manner; but he begged to say, that if he trespassed on the rules of the House, or violated the laws of evidence, he hoped it would be ascribed, not to wilful error, but to his inexperience in such proceedings. He was convinced that no gentleman had come to the House to act the part of a judge, without endeavouring to divest himself of previous impressions, and wishing to guide himself entirely by the evidence; but he could not conceal from himself that an unfair impression had been made on the minds of the House by untoward circumstances. They had nothing to do, generally speaking, with the abstract motives of petitioners, unless when they seemed likely to influence the truth of their statements. He did not conceive that any thing which had been proved against the petitioner or his father should induce the House to relinquish the inquiry into an alleged public offence of the first magnitude. The time was now come for him to say, that neither the petitioner nor his father had any part in the fabrication of the matter of the charge; but that it rested entirely on the evidence of a gentleman, whose character stood as

high as that of any gentleman in the House. It would be now for the House to say whether he had forfeited that high character. He should now move, that Mr. Carew Smith be called in.

Mr. Carew Smith was accordingly called to the bar, and underwent a long examination. In the course of the evening, Mr. Stuart Wortley gave notice, that if any part of the proceedings were published before their completion, he would bring the individual offending before the House for a breach of privilege. Mr. Carew Smith having in the course of his examination, delivered in several letters, the said letters were referred to a select committee to examine the same, and to select so much of the said letters as should appear to have material relation to the matter of the said complaint. Then Mr. Goold was examined; after which, the further hearing of the said complaint was deferred until to-morrow.

HOUSE OF COMMONS.

Friday, March 12.

NEWGATE—PETITION FROM LONDON.] The Sheriffs presented a Petition from the Corporation of London complaining of the crowded state of Newgate.

Mr. Alderman *Wood* stated, that the city did not so much complain of being obliged to maintain the criminals of Middlesex as well as of London, as of the crowded state of the gaol, which was now such, that 47 prisoners were under sentence of death, while there were only 15 cells to confine them in. It was also mentioned as a fact, which showed the shocking consequences of the crowded state of this gaol, that 16 persons convicted of an abominable crime, were all confined in one room. If any prisoner was sent from that House, or any person of rank superior to the common prisoners, he was necessarily confined among the felons. The wish of the city was, to have the petition referred to the committee on gaols.

Mr. *Wilberforce* said, that one of the circumstances referred to was so disgraceful and disgusting that some immediate steps should be taken to remedy the evil. He suggested a special committee instead of a reference to the Committee on gaols.

Mr. Alderman *Wood* stated, that every possible means had been taken to place these persons in a different situation, but it was, in the present state of the gaol impracticable.

Mr. *Brougham* said, that nothing but the most absolute, urgent, and imperious necessity could justify the city of London in adopting the line of conduct which they had done. He could only suppose that the city had not any means to remedy the evil of which they complained; because, if they had, they never could have been reduced to the lamentable alternative, of forcing so disgusting a subject on the House. As the subject had been brought before them, it was their duty to attend to it. The plan of his hon. friend, the member for Bramber, appeared to him the most efficacious

Ordered to lie on the table.

COMPLAINT AGAINST MR. WYNDHAM QUIN.] The House proceeded in the further hearing of the Matter of the Complaint against the hon. Wyndham Quin: and Mr. George Mansell, Mr. Daniel Gabbett, and Mr. Richard Smyth, were severally examined; and Mr. Carew Smith was again examined and directed to withdraw. Sir George Hill said, he rose in order to move that a witness, formerly examined, be called in and examined as to a question of privilege. Mr. Goold was accordingly called in, and thus examined by the Speaker:

Have you seen Mr. Grady jun. to-day?—I have.

Did any conversation pass between you and Mr. Grady jun. relative to your examination of last night?—There did.

State to the House what that conversation was?—Within the last ten minutes, or a quarter of an hour, I was standing in the room, which I believe is called the witnesses room in the presence of Mr. Roche, Mr. Gabbett, and Mr. Richard Smyth, when this gentleman, the petitioner, came into the room, and he addressed me by name, and said, "Mr. Goold, I want to speak with you;" I took off my hat in the most respectful manner possible, and told him that he must excuse me, that in this inquiry I conceived it would be indelicate for me to speak to him at all. He then said, "I must speak with you." "Then, sir, as you insist upon it, I shall leave the room;" on which he immediately said these precise words: "You spoke, in your evidence disrespectfully of me last night, and if in the evidence you are to give to-night,

you presume to say a word disrespectfully of me, I shall kick you about the streets." I immediately quitted the room, and nothing further occurred; I took no notice in the world of it; I hope I kept my temper.—The witness was directed to withdraw.

Mr. Wynn thought the only way was to call in Mr. T. W. Grady. He was accordingly called in, and thus examined by the Speaker.

The House has been informed that you have held a conversation with Mr. Goold, who is a witness at the bar of this House, yesterday, upon the subject of his examination of last night; have you had any conversation with Mr. Goold, and what was that conversation?—I had.

State to the House what passed?—Certainly; I stated to Mr. Goold that I had heard that he had made use of my name very wantonly; I requested of him not to do so any more, for that if he should do so, I should be under the disagreeable necessity of taking notice of it; of kicking him.

Did Mr. Goold make any reply to that statement?—None whatsoever.

That is all that passed between you?—That is all that passed between us.—Mr. Grady was directed to withdraw.

Mr. *Wynn* then moved, 1. "That Thomas William Grady, having used insulting language to a witness attending this House, and having threatened him with personal violence on account of evidence already given by him, and which he may hereafter be called upon to give at the bar of this House, has thereby been guilty of a high contempt of this House, and of a gross breach of its privileges. 2. That the said T. W. Grady be for his said offence taken into the custody of the serjeant at arms attending this House, and that Mr. Speaker do issue his warrant accordingly."

Sir *R. Wilson* said, it was quite manifest that Mr. Grady's conduct proceeded from youth and inexperience. He considered Mr. Goold's conduct as he had always been accustomed to consider insults. It must be apparent to the House, that he was extremely inexperienced, and a youth of a weak character. He hoped, therefore, that they would regard with indulgence an indiscretion in which no contempt or breach of privilege had been contemplated.

Mr. *Bankes* said, the question was not what indulgence the youth and inexperience of Mr. Grady might claim, but what was necessary for the purposes of justice. Having said this, it was only necessary to add, that justice required the protection of an infirm old man, against the petulance of a young one.

The resolutions were agreed to *nem. con.* Then Mr. Carew Smith was again examined. After which,

Sir *R. Wilson* stated, that he had no other witness to call in support of the petition, but the petitioner himself. As the petitioner, a young and inexperienced man, was necessarily much agitated by having fallen under the displeasure of the House, and by the apprehension of being sent to Newgate, he should move that the farther consideration of the matter of charge be adjourned to Monday.

Mr. *Canning* asked, whether the hon. member meant not to proceed in the examination of the petitioner till he was allowed to kick the other witnesses?

Sir *R. Wilson* acknowledged that the petitioner had committed a great fault of which the House was obliged to take notice, though he hoped that a severe reprimand might have answered the ends of justice; but what he meant now to assert was, that he should not do justice to the public, to the House or to the petitioner, if he suffered the examination of the petitioner to proceed when he was in a state of agitation.

Mr. *Canning* said, the petitioner had been committed to the custody of the serjeant at arms to secure another witness against his outrage. The hon. member had assumed that he was also to be sent to Newgate, though no such proposition had been mentioned in his hearing.

Mr. *Wynn* thought the House bound to declare and make known, that its witnesses should not be insulted. Those who with him had read the private letters in this case, would know the necessity of proceeding cautiously, and of showing the determination of the House to resent any attempt to violate its privileges in the person of its witnesses. He thought at the conclusion of the proceedings it might be advisable to pass some resolutions to that effect, for which there were not wanting precedents.

Mr. *Peel* trusted the House would deal leniently with the offence of this young man. It was not to be forgotten that, though standing in the situation of a petitioner against a member of the House, he had heard grave facts stated against himself. It was to be remembered, too, that

his father had been recently committed to Newgate; so that, taking all circumstances into consideration, the House might act with leniency, without forming an inconvenient precedent.

Lord *C. Churchill* said, that his opinion being that the petitioner would not give his evidence with self-possession while in custody, he should move, "That Thomas William Grady be now brought to the bar, in order to his being reprimanded and discharged."

Mr. Lambton and sir Robert Wilson concurred in the motion. Mr. S. Wortley and Mr. Courtenay objected to it, as unjust to Mr. Goold, and as not likely to render the witness more collected, or more fit to deliver his evidence.

Mr. *Grattan* said, the case of Mr. Goold was very hard. He had been called over from Ireland to the great prejudice of his private business, and while delivering his evidence as a man of honour, he had been attacked by a young man with the grossest outrage. It was the duty of the House to alleviate the feelings of Mr. Goold, and to protect him in the discharge of his duty.

The motion was negatived. After which, Mr. Goold was again examined. Mr. Lambton being of opinion that further evidence must necessarily be brought from Ireland, to settle a point which at present was inexplicable, and which implicated the credibility of the two principal witnesses, moved, "That Thomas Lambert, servant of Mr. Carew Smith; Sarah Lyons, servant of Dr. Smth; and Hugh Riley, servant of Mr. Goold; do attend this House on Thursday 18th March." The motion was agreed to, and the further hearing of the matter of the complaint was adjourned till Monday.

HOUSE OF LORDS.

Monday, March 15.

CHIMNEY SWEEPERS REGULATION BILL.] Lord *Auckland* said, that no argument of any weight against the bill had been urged which was not fully answered. He should, however, take the liberty of adverting to the facts which had since occurred, and which tended to prove what he had before observed, namely, that whatever prejudices existed against the use of machinery, was generally among persons unacquainted with its use; and that an appeal to experiment was always sure to overcome that prejudice. The first fact to which he should refer was this: the inhabitants of the parish of Christ-church met to petition against the bill. In the course of the proceedings it was suggested, that it would be proper, in the first place, to try how far it was practicable to sweep chimnies by machinery. A machine was produced and experiments made; and the result was so satisfactory, that the very persons who assembled for the purpose of petitioning against the bill, actually signed a petition for it. The other fact had occurred in making the experiments on the chimnies connected with the House of Commons. In consequence of the directions of the Speaker, a person had proceeded to sweep with a machine, and he could only sweep 19 chimnies out of 61: the housekeeper was, however, determined to continue the experiment, and, under his superintendence, no less than 60 of the 61 were swept. The chimney that remained unswept required some alteration to render it accessible to the machine. Having stated these facts, he moved that the bill be now committed.

The Earl of *Lauderdale* said, he was always disposed to give public bodies, as well as individuals, credit for acting with a due regard to their own interests. Now, if their lordships looked at the case on this principle, they would soon discover, that the insurance offices would have reason to be well pleased at the passing of this bill. It would increase the danger of fire, and in proportion to the risk, the rate of the insurance and the number of insurances would augment. In fact, the bill promised to open to them a fruitful source of gain. It was absurd, therefore, to found any argument on these corporations not petitioning against it. The supporters of the bill contended, that the chimnies of the metropolis could be nearly all swept by machines. Now, were this the fact, he would at once withdraw his opposition; but, if the report of the surveyor-general was to be relied on, no such power was to be attributed to the machines. Colonel Stephenson had distinctly stated, that the total abolition of climbing boys was at present impracticable, and could not be attempted without endangering the general safety of the metropolis. But it will be replied, that it is not intended that the bill shall operate immediately; that in passing it, time will be afforded for the preparation of machinery; but colonel Stephenson's report contained satisfactory

reasons for refusing to pass a prospective bill for such an object. It was stated in the report, that no machine had yet been invented which was capable of completely supplying the place of climbing boys. When such a machine should be invented, he would support a bill like the present; but until he saw such an invention he would oppose every measure of the kind. In the case of this bill, as in many other cases, mankind were carried away by ideas of humanity, which prevented them from giving due consideration to the subject. They took a partial view of the evil they wished to cure, and did not look at the relation in which it stood to the general state of society. Hence they were not aware of the extent of the mischief their remedy would produce. The merits of the present bill might, perhaps, be illustrated by a story which he would take the liberty of telling their lordships, though he was himself the subject of it. The physician who had attended him in his late illness, had prescribed large doses of calomel; so much indeed, that he thought it necessary to ask him the reason of such prescriptions. "Oh! (said the physician) I can easily prove to you the advantage of my practice. The calomel is like the climbing boys, it finds its way into every corner and cranny of the frame, and sweeps every deleterious particle clean out; whereas the other sort of medicines resemble the machines, and accordingly do the business very imperfectly. They do not follow all angles and turnings, but pass over many important parts untouched, and leave heaps of matter, which afterwards kindle into mischief." If this story had any effect in explaining the policy of the measure, he might relate another, which perhaps would serve to render its humanity more intelligible. In some parts of Ireland it had been the practice, instead of employing climbing-boys, to tie a rope round the neck of a goose, and thus drag the bird up the chimney, which was cleaned by the fluttering of its wings. This practice so much interested the feelings of many persons, that, for the sake of protecting the goose, they seemed ready to give up all humanity towards other animals. A man in a country village having one day availed himself of the aid of a goose, was accused by his neighbour of inhumanity. In answer to the remonstances of his accuser, he observed, that he must have his chimney swept. "Yes, (replied the humane friend of the goose), to be sure you must sweep your chimney; but why don't you take two ducks, they will do the job as well?" The zealots for this bill had, in their blind eagerness to relieve a partial suffering, as completely forgotten the general interests of society, as the poor Irishman had disregarded the ducks in his anxiety to save the goose. He certainly should be happy to see the use of climbing boys totally abolished; but if a machine could be invented to sweep chimnies, that invention could not be promoted by this bill. He must, therefore, move as an amendment, that, instead of now, the bill be committed this day six months.

The Earl of *Harrowby* said, he was not able to entertain their lordships with any jokes, either relative to himself, or extracted from Joe Miller, but he believed very little was necessary to be said to induce them to support a measure founded in humanity, and which they had reason to conclude was perfectly practicable. He could not, however, refrain from observing, that the noble earl had, in some measure, shifted the ground of his opposition to the bill. He now dwelt solely on the danger which might be incurred in the metropolis if sweeping boys were abolished. What then had become of those general principles respecting free labour, on which the noble earl had so strongly insisted? Of those principles the noble earl now said nothing. The best argument for the bill was, that it would afford time and opportunity for making the arrangements necessary to the abolition of climbing boys. A sufficient time was allowed for experiments; and if the bill passed, every person, in anticipating the abolition of the present inhuman practice, would be induced to try the machines. If he saw any danger to the metropolis from the measure, he should be as unwilling to support it as any noble lord; but he could perceive no ground for any such apprehension. He thought, however, that unless the bill passed, the experiment would never be fairly made.

Their lordships divided on the question, that the bill be now committed: Contents, 20; Non-contents, 37.—Majority, 17. Lord Lauderdale's amendment was then put and carried. The bill was consequently lost.

HOUSE OF COMMONS.

Monday, March 15.

ROCHESTER ELECTION.] Mr. Gooch

informed the House, "That the Select Committee had determined, that lord Binning is duly elected a citizen to serve in this present parliament for the city of Rochester:—that the petition of Robert Torrens, esquire, did appear to the said Select Committee to be frivolous and vexatious: that the opposition of the said lord Binning to the said petition, did not appear to the said Select Committee to be frivolous or vexatious." On the motion of Mr. Bennet, the minutes of the proceedings of the committee were ordered to be laid before the House.

Royal Burghs of Scotland.] Mr. *Abercromby* said, that he had a petition to present from the Guildry of Edinburgh, which prayed for a reform in the present constitution of the Scotch burghs. He should not have said any thing on that question at present had it not been for the numerous signatures which were attached to the petition which he had to present, for the perspicuous statement which the petitioners made in it of the evils under which they laboured, and for the firm and constitutional manner in which they expressed their hopes of obtaining redress from the justice of parliament. They complained of the self-election of the members of the different corporations, which was an evil that the House ought immediately to remedy; inasmuch as, by the law of Scotland, all the burgesses were responsible for the debts contracted by a magistracy, of which they did not elect a single a member. This was a serious hardship, because many boroughs had funds, which were only just equal to their expenditure, and others had an expenditure greater than their funds. The petitioners had been accused of favouring wild and visionary schemes of reform; they stated that this accusation was false, and that it was known to be so by those who urged it. They also added, that if they had been the disloyal subjects which they had been asserted to be, they could not have wished for any thing better than the continuance of the system which prevailed. The government never had an easier opportunity of conciliating a large number of its subjects by the mere exercise of common sense and common justice, than it had on the present occasion. All the petitioners asked for was, a relief from their present grievances: they were, however, of opinion, that the bill which the lord advocate had introduced on the subject, was more calculated to aggravate than to relieve their injuries. He should have thought that the knowledge of all these grounds of complaint would have made the government bring forward a well digested plan to remove them. They had not done so; and by failing to do so, had been deficient in duty to the country. He supposed that the executive would in this case attempt, as it had done in many others, to throw all the responsibility on the legislature.

The petition was ordered to lie on the table and to be printed; as were also petitions presented by lord A. Hamilton from the Incorporation of Goldsmiths of Edinburgh, and the burgesses of Lauder.

Petition of Thomas William Grady.] Sir Robert Wilson presented a petition from Mr. Thomas William Grady, setting forth,

"That in a moment of irritation the petitioner did inconsiderately address a witness in language which he is now sensible ought not to have been held, whilst its expression was a violation of the privileges of the House; deeply impressed with a sense of his error, and its injurious consequences, he does, as some reparation, assure the House, that he will not only refrain from a repetition of his offence during the proceedings instituted, in compliance with the prayer of his former petition; but he voluntarily declares that he will abstain from all subsequent acts of a similar nature and tendency: being determined to leave the vindication of his character to the judicial result of the proceedings now pending, and feeling assured that his personal honour can never be impeached for the maintenance of a line of conduct in unison with the wishes and opinions of the House; the petitioner, having thus expressed the sentiments of his contrition, throws himself upon the consideration of the House."

Mr. Thomas William Grady Reprimanded.] On the Motion of sir R. Wilson, Mr. T. W. Grady was brought to the bar, where he received the following Reprimand from Mr. Speaker:

"Thomas William Grady;—The using insulting language to any person, in consequence of the evidence he has given at this bar, or the threatening him, with reference to any evidence he may be called upon to give, is a contempt of the authority, and a breach of the privileges of this

House, which never has been, and never will be tolerated. In your Petition you state a full acknowledgment of your guilt, and deep contrition for it; you plead in excuse the irritation of your mind, and the difficulties of your situation; and from these causes your forgetfulness at the moment of what was due both to this House and to yourself; all these circumstances have been weighed, and added to the inexperience of your youth, have procured the most indulgent consideration of your case; but let me warn you, be not misled by the lenity now extended to you; this House will not be trifled with: witnesses under the examination of this House, are under the protection of the House; and a repetition of this outrage, either by yourself or by others, during the progress of this inquiry, or at any time growing out of this inquiry, will be visited by this House with the utmost rigour and the severest punishment."

Ordered, *nem. con.*, that the said reprimand be entered on the Journals of this House.

COMPLAINT AGAINST MR. WYNDHAM QUIN.] Sir R. Wilson moved the order of the day for continuing the investigation on this subject, when, in consequence of an explanation given by Mr. W. Quin, relative to a discordance between the testimony of Mr. Goold and Mr. Carew Smith, by which it appeared that Mr. Quin confirmed the assertion of Mr. C. Smith, and negatived that of Mr. Goold, as to an interview on the morning of September 22. Mr. Lambton moved the discharge of certain orders for the attendance of additional witnesses from Ireland. The Speaker learning that Mr. W. Quin admitted the correctness of Mr. C. Smyth's statement, and consequently that no further evidence would probably be necessary upon that point, said, he had delayed the issue and transmission of the summonses. Mr. Goold was called in to explain a part of his testimony of Friday night: after which Mr. T. W. Grady, the petitioner, was examined at great length. Mr. David Roche was then examined; after which, sir R. Wilson moved that the minutes of evidence taken that day be printed along with the rest. As he did not think that the minutes could be in the hands of members before the beginning of next week, he should move that the further consideration of the petition be adjourned to the 25th instant. This was put and carried.

MUTINY BILL.] On the order of the day for the third reading of this bill,

Mr. *Gurney* said, he could not let this opportunity pass without objecting to that part of the bill which sanctioned enlistments for life. It was a practice productive, on all sides, of unmixed evil. It went necessarily to render the soldier discontented with his situation, it prevented the recruiting of the army, it was in itself a monstrous injustice, and one which was never heard of, or tolerated in this country, previously to the accession of George the first. The late Mr. Windham, he said, had substituted enlistment for a term of years; which the noble lord opposite had got rid of, by holding out a fallacious option, and under this, a boy of sixteen or seventeen years of age, probably intoxicated, when he could not by law make a title to the smallest amount of transferable property, was allowed to sell himself for life for ten pounds! He should therefore move, that the schedule B. be left out of the bill, which contained the form of the oath for Life Enlistments.

Lord *Palmerston* said, that this subject had been well and frequently considered in the House, and the ground on which this part of the system stood was evidently the fairest and best. The recruit might choose limited or unlimited service. The difference in the bounty was only 16*s*. If a man wished to enlist for unlimited service, it could scarcely be imagined that he was induced to do so for the paltry allowance of 16*s*. It must be a matter of determined choice, uninfluenced by gain.

The motion was put and negatived.

Sir *Robert Wilson* said;—Not having recollected that the Mutiny bill was passed before the 24th instant, I omitted to ask for returns which I wished to be laid upon the table of this House, before the bill came under consideration. Having, however, in much earlier life expressed a strong opinion upon a particular part of our military code, and having, indeed, been the first officer who, by a written treatise, directed the serious attention of the government and the country to the subject, I feel called upon to express my present opinions, notwithstanding I am so much exhausted. I know that since the time to which I alluded, the duke of York has effected what may be called a revolution in our military system of discipline. I know that by his regulations admoni-

tions, and expression of earnest wishes he has contracted, to a great degree, that excess of punishment which afflicted and disgraced the army when I first entered into it; but this very success encourages me with a hope that parliament will not lose sight of the subject, until this degrading and demoralizing species of punishment, this punishment so much the subject of national reproach, and so antinational shall be abolished from our military code, except as an *ultimum supplicium* or commutation for the punishment of death. It was truly said, when the penal laws were under discussion, that cruel laws frequently executed, created, but did not check crime; and I appeal with confidence to every military man who hears me, if, in a regiment where the commanding officer is severe, offences do not multiply in the ratios of that severity; so that punishment is the cause and not the effect of pre-existing depravity and misconduct. On the other hand, whether, where that commanding officer is succeeded by one of a milder character, offences do not diminish in the same proportion, so that the same corps which was notorious for harsh discipline and misconduct, becomes as remarkable for tranquil discipline and good order. It is invidious to cite even individuals in such cases for praise; but where a distinguished personage has rendered a service to the army, community, and humanity, it is my duty to mention his name with honour. With those feelings, and not from any servile or interested considerations, I think of the duke of Gloucester as having afforded the first practical example in support of the wishes impressed by the duke of York, and of a system very unpalatable to officers who had received a different education. In a corps exposed to all the temptations of a London life, and which temptations the cat o'nine tails could never resist. After some previous arrangements, corporal punishment was relinquished, and the corps became from its conduct a pattern to the whole army. The example followed by the brigade of guards, obtained the same results, and on the merits and services of this part of our army, it is not necessary for me to dwell, as they are so well known to the country. It is not my intention to present a picture of a different description. I do not wish to inflame the public mind, nor shall I ever advert to the details, without I see danger of relapsing into a system which I never think upon without more loathing and horror than ever I felt when witnessing the many horrible scenes I have witnessed in the course of my life. The time of peace is the time to introduce this improvement; and let it be recollected, that this is the only country in the world, where this ignoble and this unmanly species of punishment is still continued. Let it be recollected also, that this is not a British punishment, for it is not to be traced back beyond the introduction of the Dutch guards in the year 1688. I wish those gentlemen who have expressed such just gratitude to our army in Europe—who have just voted the thanks of this House to our meritorious army in India—would consider whether the most honorable memorial, the proudest monument, they could confer and erect, would not be the abolition of this punishment—whether this would not be the most just as well as the most valuable commemoration of national gratitude. I shall, Sir, take the first opportunity of moving for the returns of all courts martial of the last year; specifying the sentences ordered, and what part of the sentences and in what way they were inflicted.

Mr. *Beckett* [judge advocate general] said, that when returns had been laid before the House of the number of courts-martial, not for one or two years, but for a century and a half past, and when it had still continued to sanction corporal punishment, he thought the matter should be considered as *res judicata;* he was, therefore, surprised at hearing such opinions as those which had fallen from the hon. and gallant officer. The hon. and gallant officer was, however, consistent in his opinions; for, sixteen years ago, he had given to the public his opinions at length upon the same subject. The glorious triumphs of our armies on the continent were, in a great degree, owing to the excellence of their discipline, and a part of that discipline was the system of corporal punishment. Would it, then, be said, that this system should be altogether abolished? But it might be urged, that the same strictness in this respect, which would be necessary in time of war, could not be required in time of peace. In answer to this, it might not be unuseful to the House to look back to the progress of punishments for the years 1817 and 1818. In those two years though the capital punishments had decreased, yet the substituted punishments had increased considerably, which showed an increase of crime.

Sir *J. Newport* was astonished to hear the hon. gentleman assert, that this country owed the victory of Waterloo, and other glorious achievements to the system of corporal punishment. This was an assertion which he never could give credit to. He could not believe, that the victories of this country were to be attributed to so base an engine. The infliction of corporal punishment would, he believed militate against the accomplishment of mighty deeds. He should not rejoice in the noble spirit and enthusiastic gallantry of a British army, if they could be traced to such a source as that which the hon. gentleman had panegyrised.

Sir *Lowry Cole* was unwilling to obtrude himself on the House, but having been for many years connected with the army, he might be supposed to have formed an opinion on this subject. That opinion was not a popular one, but still he was bound to state it. He must then say, that, however objectionable and injurious the system formerly was, yet he did not think the British army could be kept in its present state of discipline, if it were wholly removed.

Sir *Isaac Coffin* said, that the army, with respect to courts-martial was in an unhappy state indeed; since the sentences were given privately, and transmitted to the commander in chief, instead of being, as in the navy, openly promulged.

The bill was read the third time and passed.

FRAME-WORK KNITTERS.] Mr. *Mansfield* called the attention of the House to the Frame-work-knitters petition which he had recently presented; and after pointing out the necessity which existed, for granting some relief to that body, moved, "That a Select Committee be appointed to inquire into the grievances complained of in the frame-knitters petition, and to report the same, with their observations thereon, to the House."

Mr. *Pares* described the afflicting state in which the frame-work-knitters were plunged, and earnestly entreated the House to devise some means of relieving them.

Mr. *Hume* did not mean to oppose the motion, but looking to the result which had attended the labours of the committee appointed in 1816, to inquire into the grievances of the Nottingham manufacturers, which had sat six weeks to very little purpose, he hoped the House would guard against the encouragement of hopes which they would not have it in their power to realise.

Mr. *Birch* said, that as the petitioners had made out a strong case, he hoped they would not, by a refusal to examine their grievances, be led into an opinion, that the House was unwilling to grant them relief. If some measure of relief were not given to those poor people (and if it originated with his majesty's government, he should like it the better), their sufferings were so excessive, that he feared scenes of disorder, which all good men, deprecated would be the consequence.

The *Chancellor of the Exchequer* said, the hon. member seemed to attribute part of the distresses suffered by those individuals to the neglect of government. This was not just. He knew of very few cases where they could interfere to give local relief, without being guilty of partiality. The proper way was to come to parliament, and let the facts of the case be duly investigated.

The motion was then agreed to, and a committee appointed.

HOUSE OF LORDS.

Tuesday, March 16.

COAL DUTIES.] The Earl of *Rosslyn* presented a petition from Dysart against the equalization of the coal duties. He observed, that great apprehension had been excited throughout the country by the proceedings which had taken place for the purpose of altering the present system of coal-duties, and levying a tax at the pits. He hoped, therefore, that the noble lord opposite would explain what were the views of ministers on the subject.

The Earl of *Liverpool* said, that whatever apprehension might have arisen on the subject, no proposition of the kind alluded to had received any countenance from his majesty's government. More than twelve months ago an association had been formed in the metropolis, with the view of obtaining an equalization of the duties on coals. A committee from that association had waited on him and his right hon. friend the chancellor of the exchequer, and stated the nature of their object. His right hon. friend had concurred with him in declining to give any opinion until those who were interested in opposing the proposed measure should be heard. On hearing the other parties, he and his right hon. friend had intimated

that his majesty's government would give no support to any proposition for altering the coal-duties, or encourage any inquiry or proceeding on the subject. Of course, they did not give a pledge that they would not, under any circumstances which might arise, agree to an alteration in the system of taxation.

Earl *Fitzwilliam* presented a petition against any alteration in the coal-duties, signed by a great number of the merchants; manufacturers, canal share holders, &c. of Sheffield and its neighbourhood.

The Earl of *Liverpool* observed, that it was impossible for him to say, whether or not any proposition on the subject would be made in another place, what degree of encouragement might there be given to it, or whether it was likely to come in any shape before their lordships. He could, however, assure the House, that any proposition for the equalization of the duties on coal would meet with the decided opposition of those connected with the administration of his majesty's government.

The Earl of *Lauderdale* said, that the equalization called for would be one of the most injurious and unjust acts that could be committed. In the state in which this country was placed, their lordships would not attempt to legislate on the view of right and wrong, abstractedly considered; the application of the abstract principles of justice would be the greatest injustice. They could not now act as they might do, if capital had not been sunk in manufactures and extensive works of various kinds in the districts, on which the proposed regulation would impose a new and burthensome tax. The present state of society in this country was so extremely artificial, that the greatest caution was necessary on subjects of this kind. He hoped that the declaration which had been made by the noble secretary of state would set Sheffield and other manufacturing towns at ease on this question. The people in these places had embarked their capital in undertakings on the faith of the continuance of the present system, with respect to the duties on fuel, which their manufactories required, and nothing could be more ruinous and unjust than to subject them to a tax on that necessary element.

Ordered to lie on the table.

Aliens' and Denizens' Bill.—Bank of Scotland.] Lord *Sidmouth* rose to move the second reading of this bill. Their lordships were aware that it was the consequence of a measure which had been fully discussed last session. It was the object of the bill to continue, for another year the suspension of the rights of naturalization supposed to be granted by an act of the parliament of Scotland, to aliens who became proprietors of the Bank of that country. There was at present a case before the court of session, the decision on which would decide the question, whether this was the law of the country or not. All he asked, therefore, was, that their lordships would not suffer the law which prevented such purchases to expire in the mean time, but would continue the suspension, until the legal investigation was terminated. This was the course which their lordships were bound to take; for if they allowed the bill to expire, they would, by inference, declare that to be the law, which was at present in question.

Lord *Holland* could not help expressing his surprise at finding this bill proposed for a second reading, before any motion had been made for printing it. The noble lord conceived, that if the bill did not pass, the House would prejudge the question at issue in the court in Scotland. He was quite of a different opinion. If their lordships refrained from legislating they would leave the question just where it stood last year, before any bill on the subject was introduced. The passing, in so hasty a manner, a bill for suspending an existing law, was more like prejudging the question; and if it were now read a second time, he should consider it extremely unjust in the House to allow it to go through another stage, before it was printed, and time afforded for fully considering its principle. Their lordships must recollect, that the law which first gave occasion to the present measure was so little known to the noble secretary of state, that he did not introduce it until the Alien bill of the last session was about to pass the House.

The Earl of *Liverpool* thought that the noble lord had misunderstood both the nature of the bill and the argument of his noble friend. The state of the case was this: Last year it was stated that a certain law existed in Scotland which would render the provisions of the Alien act inefficient. A bill had, therefore, been introduced, to suspend the rights supposed to be acquired under that law. A suit was now before the court of session in Scot-

land, which would decide what the law really was. His noble friend had given no opinion on the subject, and he should think it very indecorous for parliament to interfere with the judicial proceedings. This bill was, therefore, only the continuation of that which had been passed last year. When the subject was discussed last session, objections were strongly urged to the retrospective operation of the bill; but no one, as far as he recollected, disapproved of its prospective effect. The legislature rejected the retrospective clause, and passed the act which would soon expire. All that was asked was, not to permit the law to cease to have force until the court of session pronounced its decision. The question might come before the House in the shape of an appeal, and then they would have to give judgment on it in their judicial capacity; but in the mean time it would be very improper to allow the law to expire.

The Earl of *Lauderdale* thought that if the noble lord meant to give the House full opportunity of judging of the principle of the bill, he would not press it farther until it was printed. The bill was, on the face of it, of a nature unlike any measure ever recommended to their lordships' adoption. That a case for which a remedy was open in a court of law ought not to be interfered with by the legislature, was a principle generally acknowledged. Here the House was informed that the question was before a court in Scotland; their lordships were therefore bound to wait for the decision of that court, before they ventured to legislate in any way whatever. He was taken quite by surprise. In order that time might be afforded for printing the bill, and an opportunity given to their lordships to consider it fairly, he would move, that instead of now, the bill be read a second time on Friday next.

The Earl of *Harrowby* urged the necessity of proceeding with the bill. The court in Scotland would decide either for or against the claims of the persons who had purchased bank stock. If the latter, no injury would be done to them by this bill: if the former, it would become the duty of their lordships to alter the law, and prevent persons from obtaining by such means rights which were more extensive than those conferred by a bill of naturalization.

Their lordships divided on the question for the second reading: Contents, 14; Non-Contents, 6;—8. The question, that the bill be committed to-morrow, was also carried on a division: Contents, 14; Non-Contents, 6; Majority 8.

HOUSE OF COMMONS.

Tuesday, March 16.

COPY OF THE TREATY WITH AMERICA.] Lord Castlereagh presented, by command of the Prince Regent, the Convention between Great Britain and America, of which the following is a Copy:

CONVENTION between his Britannic Majesty and the United States of America. Signed at London, October 20th, 1818.

His majesty the king of the United Kingdom of Great Britain and Ireland, and the United States of America, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective plenipotentiaries, that is to say, his majesty, on his part, has appointed the right hon. Frederick John Robinson, treasurer of his majesty's navy, and president of the committee of privy council for trade and plantations; and Henry Goulburn, esq. one of his majesty's under secretaries of state:—And the president of the United States has appointed Albert Gallatin, their envoy extraordinary and minister plenipotentiary to the court of France; and Richard Rush, their envoy extraordinary and minister plenipotentiary to the court of his Britannic majesty: who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

Art. 1. Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish, on certain coasts, bays harbours and creeks, of his Britannic majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have for ever, in common with the subjects of his Britannic majesty, the liberty to take fish of every kind, on that part of the southern coast of Newfoundland, which extends from Cape Ray to the Rameau islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon islands on the shores of the Magdalen islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Streights of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. And that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours and creeks, of the southern part of the coast of Newfoundland hereabove de-

scribed, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever, any liberty heretofore enjoyed or claimed by the inhabitadts thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks or harbours of his Britannic majesty's dominions in America, not included within the above-mentioned limits: provided, however, that the American fishermen shall be admitted to enter such bays or harbours, for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Art. 2. It is agreed that a line drawn from the most north-western point of the lake of the woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the territories of his Britannic majesty and those of the United States, and that the said line shall form the southern boundary of the said territories of his Britannic majesty; and the northern boundary of the territories of the United States, from the lake of the woods to the Stony Mountains.

Art. 3. It is agreed, that any country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country, the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

Art. 4. All the provisions of the convention "to regulate the commerce between the territories of his Britannic majesty and of the United States," concluded at London, on the 3rd day of July, in the year of our Lord 1815, with the exception of the clause which limited its duration to four years, and excepting also, so far as the same was affected by the declaration of his majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

Art. 5. Whereas it was agreed by the first article of the treaty of Ghent, that "all territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property;"—and whereas, under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the ratifications of the said treaty, were, in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel, lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for all or any slaves, as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or state, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters referred.

Art. 6. This convention, when the same shall have been duly ratified by his Britannic majesty and the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said United States; and the ratifications shall be exchanged in six months from this date, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.—Done at London, this 20th day of October, 1818.

(L. S.) Frederick John Robinson.
(L. S.) Henry Goulburn.
(L. S.) Albert Gallatin.
(L. S.) Richard Rush.

On moving, that the said treaty do lie on the table, lord Castlereagh observed, that it was not intended to take the opinion of the House on the treaty itself, as a right hon. friend of his would have to submit a bill arising out of that treaty, to the consideration of parliament.

BARNSTAPLE ELECTION.] The Speaker submitted to the House, that it was necessary to take some step that evening with regard to the stayed writ for Barnstaple. Upon which it was ordered, on the motion of lord Clive, "That Mr. Speaker do not issue his warrant to the clerk of the crown, to make out a new writ for the electing of a burgess to serve in the present parliament for the borough of Barnstaple, in the room of sir Manasseh Masseh Lopes, bart., whose election has been determined to be void, till Tuesday, 23rd March."

PENRYN BRIBERY BILL.] Sir C. Burrell brought in a bill "for the preventing of bribery and corruption in the election of members to serve in parliament for the borough of Penryn, in the county of Cornwall." The bill was read a first time, ordered to be read a second time on the 2nd of April, and to be printed.

The *Speaker* observed, that in former cases, it had been the practice to give previous notice of the second reading of a bill to all parties concerned. In later ones, however, the practice was, to submit the matter to a select committee of the House, who directed notices to be served on such parties. In the Hindon case, the order of the House was, to disfranchise certain individuals only; which order was accordingly served upon them, and not upon the borough itself. He only stated these circumstances, in order that the House might be aware of the nature of the present proceeding; and suggested, that possibly it might be advisable to direct the returning officer to serve similar notices, or affix them on public places in Penryn.

Lord *Castlereagh* then moved, "That a printed copy of the said bill be served upon the Portreeve of the borough of Penryn, and that he do affix notice of the day appointed for the second reading of the said bill on the doors of the Townhall and of the parish church of the said borough."

Mr. *Wynn* did not see the absolute necessity of the step proposed, but at the same time was willing to agree to any measure that argued a jealous regard for the rights of individuals.

Sir *A. Piggott* thought it proper that all persons whose rights might be affected by the bill should be fully apprised of its provisions.

Sir *C. Burrell* said, he entirely concurred in the proposed proceeding; more especially, considering the loss of time which would accrue upon the serving of notices on not less than 250 individuals, residents of Penryn.

The motion was then agreed to.

ADMINISTRATION OF JUSTICE IN INDIA.] Mr. *Hume* rose to submit his promised motion, for a return of papers relative to, and declaratory of, the judicial system at present pursued in India. On a subject of so much general importance, he thought it proper to offer one or two observations, as he was anxious that the House should clearly understand the nature of that system. He should begin by declaring, that the whole of our judicial system in India had been very much misrepresented. In this country, we had been completely in the dark, as to the deplorable state of jurisprudence in India, both civil and criminal, and as to the state of the police there. The documents he should now move for, as well as other documents in his own private possession, were connected with a subject which nearly concerned the welfare of no less than from seventy to eighty millions of souls. Yet, upon these important matters, the public now were, as they had been for the last twenty years past, in a state of profound ignorance. Civil justice was, in fact, virtually denied to suitors; those very suitors being obliged to pay the government, on the amounts claimed by them, from 50 down to 7 and 6 per cent. This he was able to declare, not from any official documents obtained by him from the East India Company, but from their own regulations of 1814; regulations, in which the House would find with astonishment, that a fine was levied on the value sued for, decreasing as the amount increased, from 50 down to 1 per cent. That astonishment would be much increased, when he stated, that every document requisite to the progress of a suit, the citations, examinations, and depositions of witnesses, &c. were all to be written, every sheet of them, upon

stamped paper; thereby increasing these heavy expenses to an enormous total;—expenses which, under the native princes, never exceeded 25 per cent on the amount claimed. This, then, was almost a virtual denial of justice altogether. The consequence of these unreasonable disbursements was, that, for years together, suitors were unable to obtain justice; and it was stated in the documents already on the table, that in the course of a long life a man could scarcely expect to see any determination of suits commenced in Asia. The consequence of all this had been, an increase of crime, enormous and such as that House was little prepared to learn. The depravity of the inhabitants of Bengal, in particular, had exceeded all bounds. He blamed no individual: it was the system under which such abuses existed, of which he complained. When the House understood that the extensive system of lord Cornwallis, enacted in 1792, prevailed in one part of India, while in another it was altered and disfigured, so that throughout those extensive dominions there was neither uniformity of law, nor uniformity in its operation, he hoped they would feel how necessary it was to consider of a remedy for such alarming evils. He should therefore move, "That there be laid before this House, copies or extracts of the reports and proceedings of the several presidencies in India, concerning the administration of justice, civil and criminal, and of the police, from 1810 to the present time."

Mr. *Canning* said, that as the hon. gentleman's motion seemed to have been made merely for the purpose of obtaining information, he would trouble the House with a very few words. It was undoubtedly true, that much difference and controversy had existed; not as to the judicial system attempted to be introduced into India, because that was modelled upon our own, and such emendations had been engrafted upon it as local circumstances were thought to require; but as to the adaptation of that system to that particular country. Were his own opinion to be asked upon this subject, he should not, undoubtedly, draw so highly coloured a picture as the hon. gentleman had done; but he should rather say, that the benevolent intentions of lord Cornwallis had been in many instances frustrated. If some evils had flowed from that system, he was by no means prepared to say, that no good had been effected by it. It should be remembered, that it was a system sanctioned by his name, and by the approbation of that House; and as the emanation of so great and luminous a mind, it ought at least to be approached with hesitation and respect. Of the several motions which the hon. gentleman had purposed to make, and which he had done him the honour to transmit to him some time ago, he had selected four, which he thought would be found to answer his object best; and the papers required by these even, would be so voluminous, that he was sure the day proposed for the discussion of the subject would prove to be a very distant one.

Lord *Morpeth* considered the motion as one calculated to confer the best benefit on an extended population, namely, a just administration of the law: with this benefit they were at present entirely unacquainted, and India presented a melancholy scene in consequence. It was impossible that the House should not enter into the views of the hon. mover. For himself, it was his decided opinion, that however extensive our territorial dominions in Hindostan might be—however we might have subdued faction and revolt—however we might have crushed a formidable confederacy of Mahratta princes, and now ranged those predatory and feudatory chiefs under our own banners—yet our best security and our firmest empire was to be established in the affections and attachment of the native population; and those could only be acquired by making them, feel that equity and protection were the principles of our jurisprudence.

Sir *W. Burroughs* declared, that to his own knowledge, there was no justice in India until the establishment of the regulations introduced by lord Cornwallis, whose system had his complete approbation. The diffusion of it was of course attended with difficulty, and many years must elapse before it could be exclusively in operation. Its progress, however, had been greater than could have been expected, although much impeded by a false economy in limiting the number of individuals employed in the administration of justice. He had had an opportunity, during a residence of 21 years of witnessing the improvement which the system had made in the character of the natives, and the inducements which it held out to the inhabitants of the neighbouring states to emigrate to the British dominions. As to the system of police, it was dreadful.

The population of Calcutta was estimated at from 750,000 to 800,000 souls; consisting of Hindoos, Mahommedans, Malays, Chinese, Jews, Europeans, Arabs, &c. whose occupations were as various as their description. To keep so motley a groupe in order, certainly required much vigilance; but great oppression was frequently exercised. Persons, after apprehension, were sometimes kept in custody for months together, without examination. Some even died in prison before the time for their examination arrived. He knew an instance of a young Malay female, not twenty years of age, who was sent by a magistrate to the town guard, where she remained many weeks: and when eventually liberated, it appeared that no information had been given against her. In fact, the abuses in the police both at Calcutta, and in the neighbouring districts were numerous, flagrant, and abominable.

Mr. *Hume* expressed his concurrence in the selection from his motions made by the right hon. the president of the board of control. Adverting to what had just fallen from the learned gentleman, he observed, that if there was one evil in India which required correction more than another, it was the state of the police. Many months often elapsed before persons who were apprehended were brought to an examination; during which time they were kept in crowded prisons, where death frequently overtook them. The whole system of the Bengal police was carried on by hired spies, the heads of bands of robbers, who were admitted king's evidence. So far from there being any economy in the judicial department, the administration of justice on the whole of Europe did not cost so much as the administration of justice in the British dominions in India. He congratulated the House and the public, on the recent publication of Mr. Mill, which contained so many accurate statements and so much clear reasoning, that it could not fail to be eminently beneficial.

Mr. *Hutchinson* dwelt emphatically on the importance of India, and on the wretched state of the police and administration of justice in that country; and impressed on the other members of his majesty's government, the expediency of taking measures forthwith, to bring the natives of that country out of the state of wretchedness in which they were plunged.

Mr. *Canning* said, he could assure the hon. member, that it was not the first time the subject had been under consideration; it might be called the daily food of those whose duty it was to superintend the police, and to improve the internal condition of our East India provinces. But a controversy did still subsist between very able men, whether the system of British jurisprudence, which had been transplanted there with the best intentions, was adapted to the wants, the habits, and the interests of the natives. With his limited experience, he could scarcely say what was the inclination of his own mind respecting it; much less could he, although it had been the subject of his anxious study, express a confident opinion, where there was the authority of lord Cornwallis on one side, and that of a distinguished successor on the other. But if equally balanced in other respects, still it was evident that the latter had the advantage of experience to set against the prospective benevolence with which the system was introduced. Under the chief-justiceship of sir E. East, however, many difficulties in practice had been removed, and some points of difference set at rest. He did not apprehend that the subject would be ripe for being referred to a committee during the present session, but he looked forward with hope that it would be in a fit state for consideration in the course of the next.

The motion was agreed to, as were also the following for,

1. "Copies or Extracts of the Dispatches from the court of Directors of the East India Company to the several Presidencies in India, concerning the administration of justice, civil and criminal, and of the police, from 1810 to the present time. 2. Account of the Expense of the Police and judicial establishments in Bengal, Behar, Orissa, and Benares, in the year 1792, and in the year 1818, or the latest year, to which it can be made up. 3. Amount of the judicial Charges in India at the three Presidencies of Bengal, Fort St. George, and Bombay, in the year 1818, or for the latest year for which the same can be made up, distinguishing the principal heads of charge, and the expenses of his majesty's courts."

INSOLVENT DEBTORS — COMMITTEE APPOINTED.] The *Attorney General* rose, in pursuance of the notice he had given, to submit a motion to the House, with regard to the present state of the

law as it respected insolvent debtors. It was not his intention to move for the abrogation of that law, but to recommend the expediency of inquiring whether it was not susceptible of some improvement. An act of parliament had passed in the year 1813, which might be called new, as far as it became a part of our legal system. It was a law not before known in the ordinary administration of justice, and its object was to provide for the discharge of persons under confinement for debt. From time to time, however, during the last hundred years, acts of this kind had been passed as occasion seemed to require. Before the introduction of that practice, a creditor to a certain amount might, by the law of the country, not only arrest his debtor and detain him till he found bail to try the cause, but, on obtaining judgment, might keep him in execution till he should pay the debt. At different times the legislature had therefore interfered, and applied the principle of the bankrupt laws to the ordinary cases of insolvency, and the debtor was discharged on surrendering his effects. Such laws were, in the strictest sense of the word, *ex post facto ;* and the question was, whether the honest debtor would not be more effectually protected from oppression, and the creditor from injustice, by some permanent and established system of law upon the subject. The present act would expire at the end of the session, and if not renewed, with such alterations as might appear expedient, the law must return to its former state, by which the debtor who could not pay was subject to imprisonment for life, at the discretion or mercy of his creditor. After the first act had been some time in operation, a motion was made for appointing a committee to consider it; and the result was, that it was so far changed as to give the judge who presided at the insolvent debtors court, a power of refusing to debtors, in case of misconduct, the benefit of the act. It seemed now to be agreed, that the law required still further amendment; and for the purpose of making it more beneficial, he thought it better to refer it to a committee, than to bring in a bill formed upon his own or upon private suggestions. Another ground for referring the whole subject to a committee was, that many persons urged that the law was bad in principle, and that it ought not to exist. The numerous petitions which had been presented to this effect, made it expedient to re-consider the principle, as well as the best practical means of regulating its application. Under these circumstances, no question better deserving of grave inquiry could be imagined, than whether the law as it now stood ought to be continued, or entirely done away. It was undeniable, that the occasional acts which had been passed during the last century for the relief of debtors, had grown in rapidity of succession with the growing population and commerce of the country. It was also clearly more advantageous for the creditor to know before-hand on what terms he contracted with his debtor by some fixed and general law, than that parliament should at different periods be called upon to interfere between them. He believed that the defects of the law had been considerably mistated: many persons had unquestionably been defrauded, but there were also many unfortunate cases in which the debtor could not by any human ingenuity answer his engagements. The important question was, whether, on a fair balance of the inconveniences attending the law, with those of the ancient system, it was desirable that the latter should be restored. He knew that observations had been made as to whether justice had always been administered in the court appointed for the hearing cases of this nature. This would also form a proper subject for the inquiries of a committee; and he could assure the House, that none were more desirous of investigation than those who practised in that court. All that labour and assiduity and integrity could do, had been done; but whether, in the vast multiplicity of business which had come before it, honest judgment had not sometimes fallen into error, was more than could be said of the highest tribunals, or of the purest characters.—The hon. and learned gentleman concluded with moving, "That a Committee be appointed to take into consideration the state of the law respecting the discharge of Insolvent Debtors, and the several Acts passed in the 53rd, 54th, and 56th years of the reign of his present majesty, relative to the same, and the effects produced thereby; and to report to the House their observations thereon, and the best means of rendering the same effectual."

Mr. Alderman *Waithman* said, it would be in the recollection of the House, that on presenting the first petition against the Insolvent Debtors act, he had given no-

tice, if a renewal of that act were proposed, that he should move the appointment of a committee to inquire into the nature and character of the measure, and the effects which it had produced. After such a notice, he certainly did not expect that the hon. and learned gentleman would come forward and move for a committee, pledged as he (Mr. W.) was to the measure. His object would have been, if he had had the nomination of the committee, to have proposed gentlemen possessed of a practical knowledge of trade and commerce. He did not wish to speak with disrespect of gentlemen of legal attainments: it was to be recollected, however, that this act had been in force four years, that two attempts at its improvement had already been made, and that notwithstanding it was still in a most defective state. Whether it was owing to the defective formation of the former committees that the grievances existed up to the present moment, he would not pretend to say. He certainly agreed with the learned gentleman, in many of the observations which he had made. It would be said, perhaps, "if you agree to the proposition of the learned gentleman, what is the object of your now addressing the House?" Without meaning to throw out any reflections or imputations upon the House, he might be allowed to say, that this was a subject which, by the majority of the members, was but little understood. It was a subject which they perhaps thought of no great importance; but a more important subject was never before the House, whether considered in a moral or commercial point of view. He felt himself particularly called on, as having presented petitions from various places, against the renewal of the act in its present shape, to explain what his views were to the House. And, in the first place, he would observe, that the subject was brought before the House in the fairest way in which it could be brought. Though some members had, on a former evening, deprecated the raising a clamour against the Insolvent act, he would say that no unfair means had been resorted to in order to provoke petitions against it. The subject came before the House in a way which showed what the feelings of the people were with respect to it. He agreed with the learned attorney-general in thinking that it was necessary there should be some law on the subject; and the petitions which had been presented to the House, all concurred in expressing a wish for what the learned gentleman stated to be the object he had in view, namely, a measure for the security of creditors and for the protection of honest debtors. The question for the consideration of the House was, what ought now to be done? It had been said that the present measure was equivalent to a commission of bankruptcy. Now, with deference to the hon. member who made this observation, he would observe with respect to the bankrupt laws, that whatever defects they might have, they were yet founded in reason and justice. And they possessed one advantage which did not belong to the Insolvent act—that when a person had entrusted his property to an insolvent, he had an opportunity of stopping the individual in his extravagance, and preventing him from going on till not one farthing was left to his creditors. From the expense attending petitions, and the want of due arrangements, the bankrupt laws were not so beneficial as they might be; but he had never seen an instance in which if the assignees were determined to see justice done, the commissioners were not ready to do their duty. But he would ask the advocates of the present act, if any such advantages resulted from it? The greatest injustice had been committed under it that probably ever was inflicted on the country by any act of parliament. There were individuals in the liberties of the King's-bench and Fleet who owed tens of thousands of pounds to their creditors, who had property to a large amount, and yet the creditors had no means of making them account. He had received a petition which he should have presented to the House last night, but for some informality. It related to a particular case. A person who kept a boarding school for young ladies, who owed between two and three thousand pounds, collected all the sums due to him from his scholars, sold off all his furniture, and contrived to get into prison, where he lived within the rules, on the property of his creditors, who had no means whatever of reaching that property. A petition had been some time ago presented from persons, who stated themselves to have been kept in prison some of them twenty or thirty years. On application to the keeper of the prison, he had been informed that one of the persons who had petitioned,

was possessed of considerable property,—that she had been living there several years on that property, and that she might have taken the benefit of the act, had she chosen to give up that property. Another of the persons kept there had been confined twenty years on some exchequer process. Were creditors to be considered as hard-hearted for keeping their debtors in prison, when they had no means of forcing the debtor to come forward? There was a report of a committee of that House on the subject in 1792. On looking into that report, it would be seen that the same disposition in debtors existed then, which now existed. At that time there were many prisoners who had been twenty years imprisoned. There were there many disreputable persons who followed the profession of the law, without having been regularly brought up to it, and who practised all manner of pettifogging acts. Many of the individuals then in confinement, some for a period of twenty years had been kept in prison for the costs to these pettifogging attorneys. Various persons then, as well as now, chose to stay in prison, living on their property rather than pay their creditors. He had been accused of misrepresenting some of the facts which he had stated on a former occasion. In March 1817, two years ago, the property decided on by the insolvent court amounted to 8,800,000*l.* He did not know what the exact amount of the sum was at the present period. But he had said, if it bore any proportion to that of the former part of the period during which the act had been in operation, the whole would amount to 14 or 15 millions. He had stated, that not one farthing in the pound had been received. But they were now told that this was a wrong calculation—that many of these debts were twice included—that in cases of bills, where more than one insolvent were concerned in the same bill, each insolvent gave in the whole amount of the bill in the list of his debts. Looking at the return from the Fleet prison, it appeared that a greater number of prisoners were liberated otherwise than by the act, than the number who took the benefit of the act. It appeared that those who chose to make terms with their creditors were immediately liberated, and that those who had expended all their property took the benefit of the act. Admitting the accuracy of what had been stated by the clerks of the insolvent court, that bills were included several times over, this might amount to one-fourth of the whole. The House had been told that this measure answered well in Scotland, and that the Insolvent act was founded on the *cessio bonorum*. With respect to the law of *cessio bonorum*, it was like the bankrupt laws in one respect—it allowed an inquiry into the past conduct of the individual seeking to be liberated. Under the bankrupt laws, the first thing which was done was an investigation of the accounts of the bankrupt, an examination of his balance-sheet. Now he would ask the learned gentleman, if this was the case with the Insolvent Debtors' act? He might appeal to any gentleman connected with trade, whether it was possible for any individual to obtain a certificate, unless he satisfactorily accounted for the manner in which he had got rid of his property. A great deal had been said respecting poor and distressed debtors. But what was the fact? By an account which he now held in his hands, it appeared that the debts amounting to 1,000*l.* and upwards, formed nearly three-fourths of the whole. Out of four millions of property, the debts amounting to 1,000*l.* and upwards, came to 2,835,000*l.* It would hardly be contended, that those who owed these sums were poor persons thrown into prison by their hard-hearted creditors. The attorney-general had told them, that before the present act, there was every year a necessity for a partial insolvent act.—The worthy alderman here went into a statement, to show that from 1806 the number of persons discharged under these partial acts amounted only to a small proportion of the number committed to prison for debt. On coming to 1814, they would find more persons committed and discharged in one year than in three or four years previously under occasional acts. He would state his conviction, that it was necessary to have the subject on a different foundation altogether. In fact, the place where the court was held, in the city of Westminster, was so far from the seat of business, that creditors rather than go so far, would prefer to lose their dividend altogether. He did not mean to throw out any imputation on any individual connected with the insolvent debtors' court, as those individuals were not here to defend themselves; but he would say, that it was impossible for any individual

to do justice to creditors, debtors, and the public, who had above three thousand cases annually to decide upon. This was more business than belonged to the whole of the commissioners of bankrupts and the court of chancery. It was impossible that one individual, without a jury, and without assistance, could execute the duties of such an office. He should only trouble the House with one farther observation. Every individual with whom he had conversed was of opinion that something was necessary. It might be necessary to extend the provisions of the Lords act—to revise the bankrupt laws with the view of diminishing the expense of petitioning. If this were done, there would be little necessity for a measure of this kind. But if a measure of this kind must be brought in, he hoped it would differ essentially from the present. As to the committee of the learned gentleman, he knew not who was in his list. The learned gentleman had, indeed, shown him, the list one day, but he hoped he would not pertinaciously adhere to that list. He had two or three names to propose—he knew not their sentiments on the subject, but he knew they were acquainted with business, and above all, with the effects produced by the insolvent act, and that they would give an impartial consideration to the subject.

Mr. *Abercromby* observed, that after the committee had terminated their labours and presented their report, the merits of this question would properly come under consideration. He had to apologize to the House for offering any observations on it at all; but there were some few words which had fallen from the worthy alderman that required notice. The worthy alderman had charged some offences on the Insolvent Debtors' act which did not belong to it. The worthy alderman had said that a comparison was drawn some nights ago between the bankrupt laws and the Insolvent Debtors' act, but that no comparison could be drawn between them, as the bankrupt laws were founded in justice, and the Insolvent Debtors' act was not. Was an act which said that an honest debtor who fairly gave up his property should not be abandoned entirely to the mercy of his creditor, not founded in justice? The worthy alderman had said that when assignees were disposed to do their duty, justice was always done, and he had bestowed praise on all who were connected with the execution of the bankrupt laws. Now, he himself had been a commissioner of bankrupts many years, and he would say that with every desire, it was impossible for them to do that justice to the parties for which they here received credit.—The worthy alderman had said that persons went within the rules and set their creditors at defiance—but he was at a loss to know why this offence should be charged on the Insolvent Debtors' act. If a person possessed of property took the benefit of the act, without giving up that property to his creditors, this might be charged on the act; but he could not see why a man's not taking the benefit of the act should be charged on the act. But the very same thing took place when temporary acts were passed—the debtor who chose remained in prison, and the creditor remained without redress.—Without going into the statement of the worthy alderman respecting the large sums decided on by the court, and the small dividends which had been received, he would only observe, that unless the worthy alderman could show that the debtors had property which they fraudulently kept from their creditors, this could not be a charge against the Insolvent Debtors' act.—As to the *cessio bonorum*, on which the Insolvent Debtors' act was founded, the greatest benefits had resulted from it, both in Holland and in Scotland. In the latter country the greatest benefit had resulted to all classes of persons from this law. When the subject was before the committee, one of the questions for their consideration would be, how to deal with persons living within the rules in the possession of large sums which they would not give up to their creditors. If he showed that this could be done, and that the Insolvent act was the road by which this could best be done, he hoped the worthy alderman would agree that it was a measure which the House ought to adopt.—The worthy alderman had intimated a strong desire to have a committee composed of commercial men alone. But, without any disrespect to commercial men, the House would not be doing its duty if it allowed the law of debtor and creditor to be decided by the creditors alone. But though the creditors ought not to sit as judges, they might come forward as witnesses—they might come before the committee in what numbers they pleased. The laws which were passed before the present were *ex post facto* laws—they were

passed when the gaols were full, and they sat the debtor at liberty without forcing him to transfer his property to his creditor.

Mr. *Hurst* agreed with the last speaker in his view of the subject, and he thought the attorney-general deserved great praise for the manner in which he brought the measure forward.

The motion was agreed to, and a committee, consisting of the following members, was appointed, viz. Mr. Attorney General, lord Althorp, sir M. W. Ridley, sir C. Monck, Mr. Abercromby, sir J. Mackintosh, Mr. W. Courtenay, Mr. Brougham, Mr. Alderman Wood, Mr. Robert Grant, Mr. Calcraft, Mr. Alderman Waithman, Mr. Hart Davis, Mr. Finlay, general Gascoyne, sir R. Wilson, Mr. Littleton, Mr. G. Lamb, Mr. Fazakerley, Mr. John Allan, Mr. Dawson, Mr. Kennedy, Mr. Lambton, and sir James Graham.

Qualification of Members Bill.] Sir *G. Warrender* said, the motion which he had to propose would not require to be prefaced by many observations. By the act of the 9th of queen Anne, ch. 5, it was enacted, that to enable a person to sit for an English county, he should possess 600*l.* a-year; and to sit for a city or burgh 300*l.* a-year, in land in England or Wales. Since the union with Ireland, property in that country was taken as a qualification for members, in the same manner as property in England, so that now the only part of the united kingdom, in which property was not admitted as a qualification for representing English counties and boroughs, was Scotland. His object was not to interfere with the general law respecting qualifications, which was deemed by some to be capable of amendment, but merely to correct an anomaly, by making property in Scotland available as a qualification for members to represent English counties or boroughs. He then moved for leave to bring in a bill "for farther regulating the Qualification of Members to serve in the United Parliament of Great Britain and Ireland."

Mr. *Brougham* said, that though he did not mean to oppose the introduction of the bill, nor was prepared to state at that period his assent to, or dissent from the principle of it, he should suggest one obvious *primâ facie* objection, with which, no doubt, the hon. mover would be met, but which it lay in his power to obviate. There was an obvious reason why, as the law at present stood, landed property in Ireland was receivable as a qualification for members to represent places in England. Between England and Ireland there was a reciprocity; not only did land in Ireland qualify its possessors to represent places in England, but property in England qualified the proprietors to represent places in Ireland. But if the measure now proposed were carried in the shape in which the hon. member had brought it forward, the possessor of property in Scotland would be qualified to represent an English county, while the possessor of property in England would not be qualified to represent a Scottish shire.

Sir *G. Warrender* said, he had not overlooked the objection stated by the learned gentleman; but the qualification was required in Scotland under a particular law, by which every representative of a shire was to be an enrolled freeholder: to represent a Scots burgh, no qualification whatever was requisite. For representing particular places in England (he had understood), some boroughs, in Yorkshire for instance, and the Cinque ports, particular qualifications were necessary [cries of No!]. The qualification necessary to represent a Scots county might be purchased for a small sum.

Mr. *Barnett* asked, whether any clause was to be introduced to set at rest the question, whether Scots peers eldest sons were qualified to sit?

Sir *G. Warrender* said, he had no such intention, as he had always thought that question settled.

Leave was given to bring in the bill.

Rochester Election.] Mr. *Wynn* said, that an order had been made for the production of the minutes of evidence taken before the committee on the Rochester Election, without any reason assigned for that proceeding. As this was contrary to the practice of the House, he should move that the said order be read, for the purpose of moving afterwards that it be discharged.

Mr. *Bennet* said, he had moved for the production of the minutes without assigning any reason, but anxious himself to hear from some member of the committee the reasons for the decision which that body had adopted. As a motion was now made to rescind that order, he should state the reasons why he had been induced to procure it. He wished the minutes to be produced that future petitioners might

see on what ground they had to stand. He had no opinion to pronounce as to the decision of the committee, that the sitting member was duly returned; it was merely to that part of their decision by which they declared the petition frivolous and vexatious that his attention was drawn. The circumstances under which the petition had been presented were these:—the petitioner, at the election, had stated his opinion that the qualification of the sitting member (lord Binning) was insufficient. In consequence of this suggestion a general meeting of the electors took place; the case was put into the hands of eminent parliamentary counsel, Messrs. Harrison and Warren, to decide whether there were grounds of petition against lord Binning, on the allegation that he had refused to produce a qualification,—he deeming himself to be qualified as the son of a Scots peer. The counsel gave it as their opinion, not only that there were grounds for petitioning, but even for expecting a favourable issue. On that advice the electors acted: yet the petition had been voted frivolous and vexatious. This was the first time that on an unmooted, undecided point of law, such a decision had been come to [Order!].

Lord *Castlereagh* rose to order. The opinion of counsel was no reason, he said, for attaching blame to the committee. They had decided upon the evidence before them, and the previous opinion of counsel was very improper ground for impeaching their conduct. It would be improper and dangerous to arraign the conduct of committees.

Mr *Bennet* said, he was in a strange, and certainly a difficult situation. An hon. gentleman had objected to him, that he had procured the order without assigning reasons; and now when he had begun to assign reasons for his proceeding, the noble lord had objected to him that he was out of order. In what was he out of order. The House could canvass or arraign the conduct of the lord chancellor it could arraign the conduct of the judges or of any individuals in the kingdom, invested with judicial powers; and in that right he stood up, and asserted his privilege, though not in the language of arraignment, to offer his observations on the conduct of the committee. He repeated, that his object was the guidance of future petitioners; that it was the first time, that on an unmooted, undecided point of law, a committee had come to such a decision; that the decision was on a petition which had had the sanction of two of the most eminent parliamentary lawyers in the kingdom—nearly as good judges on these subjects as fifteen persons who were no lawyers. It was on these grounds that he moved for the production of the minutes: and if others had taken the course he now took, those decisions which were to be found on election petitions, contradicting one another on every point, would not have existed. If it was understood, that these committees were to be sacred ground, free from publicity or inquiry, that these anomalous judicatories might do what they pleased, without being open to observation, the franchises of the electors of the kingdom would be subject to very different decisions from those which protected their persons and property [hear, hear!].

Lord *Normanby*, as a member of the committee, deemed it to be his duty to declare the opinion which he had formed after mature consideration, and which every thing he had since heard had contributed to strengthen. He had concurred most fully with the committee in deciding in favour of the due election of the sitting member, but there had appeared to him to be that ground of doubt on the face of the act of parliament, that a legal argument might fairly be raised on it. He could not, therefore, bring himself to concur in the opinion of the committee respecting the petition, because a sentence of a committee that a petition was frivolous and vexatious, implied not only that the committee had no doubts on the subject, but that there could arise no reasonable doubt in the minds of others. The House would only gather from this that the committee were not unanimous. He was convinced at the same time that the committee had acted from their best judgment, and he therefore concurred in the present motion.

Mr. *Sturges Bourne* said, he had not objected to the production of the minutes, lest he should seem to have opposed inquiry. His noble friend had put the question as to a petition which should be voted frivolous and vexatious on the fair footing; but he would state why it appeared to him that there could exist no reasonable grounds for such a petition. Minutes of evidence there were in fact none; all that was material had been admitted on both sides; the whole question arose out of a few words of an act of parliament, which

any plain gentlemen were as competent to understand as the most learned lawyers. It was enacted, that every member representing English counties, &c. should possess certain property in land, "except the eldest sons of peers, or lords of parliament." One uniform construction had been put upon this act. It was said by the hon. gentleman, that it was unmooted and unsettled. It was unmooted because it was settled. No one had ever doubted that the eldest son of the earl of Haddington was the eldest son of a peer. It had been taken for granted at all elections, and even by the House for the sons of Scots Peers would not have been admitted to take their oaths unless the House had deemed them qualified. Yet never had they produced any other qualification than the declaration that they were sons of Scots peers; and to none of them, lord Cochrane among others, had a single objection been made. There was indeed evidence, that lord Kirkwall had delivered in a qualification in land; but he was the son of a peeress, which might have misled him as to the extent of his privileges. But even if there had been more instances in which this had been done, either through ignorance, or *ex majore cautelâ*, they would not have weighed with him. The arguments of the two counsel for the petitioner completely contradicted one another. Mr. Harrison argued, that even if lord Haddington had been one of the 16 Scots peers who sat in parliament, his son would not have been qualified; while Mr. Warren took a different ground, and said, that in that case, indeed, lord Binning would have been duly qualified. He argued, that the "or" was not disjunctive; and that "Peer and Lord of Parliament" were synonimous; but this was immediately answered by the case, not only of the Scots peers, but of the Catholic peers and peers in their non-age, who were all peers, though not lords of parliament, while *è contra*, bishops were lords of parliament, though not peers. He was therefore convinced, that there was no reasonable ground of doubt, but that the words were as clear as words could be. The committee had no alternative; they had to pronounce that the petition was frivolous, or that it was not. They could not pass it by in silence; and though, in this case, the voting the petition frivolous and vexatious was of subordinate importance, the costs being small, yet, if at any time a committee was to do so, it was on this occasion fit to do it, when a candidate, confessedly in a minority, attempted to seat himself by raising doubts which had never existed before.

Mr. *Tierney* thought that good had been done by bringing forward this discussion, and argued that it was too much to decide that a petitioner had acted frivolously and vexatiously, when he proceeded under the advice of two gentlemen who had had so much business before committees. No petition could be with propriety decided to be frivolous and vexatious, unless the object of the petitioner clearly was, to harass the sitting member, without hopes of succeeding in his petition. The question as to the qualification of the eldest sons of Scots peers had never been decided: The clerk at the table was merely in the habit of receiving the declaration of a gentleman, that he was the son of a peer without inquiry. He did not quarrel with the decision of the committee as to the merits of the election; but when they had divided seven to seven on the question of censuring the petition, which was carried only by the casting vote, it was natural the petitioner should feel some degree of soreness. Some measure should be taken to relieve committees from the necessity of such a decision, as the practice would in effect be writing up against petitioners "Steel traps and spring guns." The right hon. gentleman had said that any plain person might construe the act of parliament; but the right hon. gentleman was not a plain person; he was a person practised in the explanation of acts of parliament. But here came a gentleman who had been in the artillery. What could he do? He had consulted two eminent counsel, and had acted on their opinions. If a petition founded on such advice was voted frivolous and vexatious, no man could tell when he was safe in petitioning the House.

Lord *Castlereagh* thought that no good could result from the motion; but, on the contrary, that to bring before the House, who were not on their oaths, the judicial parts of the transactions of election committees, would shake the fundamental advantage of the Grenville act. To decide a petition to be frivolous and vexatious, it was not necessary that the intention of the petitioner should be to harass the sitting member; it was enough that he proceeded upon such loose and frivolous grounds as had the effect of bringing unnecessary vexation on him. He also protested

against the idea, that because the petitioner could get the opinion of two counsel in his favour, he should be deemed secure against the decision of a committee.

Mr. *Wynn* said, that this was the first time, he believed, for the last five and forty years, that it had been expected that any good could arise from canvassing in the House the decision of its election committees. The next step would probably be a proposal to repeal the law which had already produced such excellent effects. The House had, by the Grenville act, delegated to its committees the right of deciding on election petitions, and had thus prevented great evils. If the order to produce the minutes was enforced and the judgment of the committee questioned, there was an end of the law. It was a part of the duty of committees to declare on oath whether they thought the petitions on which they sat frivolous and vexatious. If they so determined, the petitioner paid the costs. Was not this what happened in all other cases? The right hon. gentleman had made a distinction between frivolous and vexatious; but it did not appear necessary for inferring costs, that a petitioner should be adjudged both. If frivolous, it was in fact vexatious. It seemed strange, after this petition had been decided on by fifteen gentlemen, who had the best evidence, and who were sworn to examine it impartially, that the question should be brought before the House for discussion by those who had heard only one side of it, and who saw only the opinion of counsel. Fifteen gentlemen had given their judgment against the petitioner on principles which had been acted upon for the last hundred and fifteen years; and yet the hon. gentleman had said to-night, that the question was never mooted. A uniform practice of upwards of one hundred years was surely better than a doubtful decision, or a newly mooted question.

The question for discharging the Order was then put and agreed to.

WINDSOR ESTABLISHMENT.—REDUCTION OF THE EQUERRIES.] Sir *Alexander Hope* rose to make his promised motion, to continue the six equerries making part of his majesty's establishment at Windsor, instead of reducing the number to four, as recommended in the report of the select committee. The proposition he was about to make was, he said, so reasonable, that he confidently expected a correspondent feeling on the part of the House. The cause which he advocated was that of honour and justice against petty pretences of economy. The officers for whom he spoke had been always about his majesty, and ought still to be continued attached to his person, that, in the event of his recovery, he might perceive no change had taken place in his establishment. His majesty had not appointed them to the honourable office they now held, till they had distinguished themselves in the service of their country. The hon. member here mentioned some facts in the life, and some traits of the character, of generals Spencer and Winyard, two of the equerries at Windsor; and after panegyrising their fidelity, and describing the confidence reposed in them by his majesty, went on to say, that the question of economy was not concerned in the salary proposed to be continued to the two former, as the necessary sum had been already provided for in the 50,000*l.* voted for the Windsor establishment. He would not shield under a subterfuge a question, the soul of which was high feeling. The members of the committee were under the necessity of making mutual concessions of opinion to one another, and the abolition of the offices of two of the equerries was the consequence. They had, at the same time, inconsistently recommended a sum out of which these salaries could be taken. After closing their papers, and retiring from their committee-room, why did they not return to their consistency, and agree to the rightful application of what they had voted? In former times when the demand for economy was as great as now, such petty savings as the reduction of the salaries of two equerries were not attempted. In 1782, his majesty had seven equerries, two of whom were discharged and five retained. Mr. Burke, who recommended the reduction of their number, proposed not to reduce the salaries of those discharged. The cofferer and treasurer, though unnecessary, were likewise suffered to receive their salaries. So far as Mr. Burke's authority therefore went, it would be found against any reduction of offices that contributed to the splendour of the crown. All thanks, all gratitude were due to the sovereign for having himself commenced economy, by reducing his own household. If, then, Mr. Burke, in the year 1782, was against any reduction of the kind when the king was in the zenith of his power, would it

become the Commons of England, now that he was blighted by the hand of God, to trample on his dignity—to break in upon his establishment now, for the first time, and reduce it to a condition which was not adequate? The high feeling which Mr. Burke had distinguished by the name of chivalry, might possibly provoke a laugh, but taken in the plain meaning of the word, a disposition to succour the helpless and distressed, the language was intelligible, and the king was unfortunately in a situation to call for its exercise. If he should ever return to reason, it was against the dignity of the crown, and against every fine feeling, that he should be deprived of the servants to whom he was accustomed. It was not only possible, but probable, that his majesty might recover: the prayers of a whole nation might prevail in his behalf, and a paltry economy ought not to be put in competition with those feelings, which did honour to human nature. It was possible, if not highly probable, that he might awaken, if not to the exercise of his kingly powers, to a perfect knowledge of his situation, and to a recollection of past events. What, then, would be his sensations, upon hearing, when he called for those by whom he was formerly attended, that the Commons of England had interfered to deprive him of their assistance? He would repeat, that the king was likely to return to reason; the hand that struck the blow by which his faculties were prostrated, might awaken them to a full consciousness of the glories of his reign; and the economy that was to be found in the paltry saving now proposed, could bear no comparison with the generous principle upon which they were required to act. He concluded with moving—"That, although it is expedient in the present state of his majesty's health, that no unnecessary expense should be incurred in the royal establishment at Windsor, yet that it is the opinion of this House, that it ought to be kept up in a manner which will at the same time mark the dignity of the person of his majesty, and the affection of his loyal subjects; and that therefore this House cannot sanction any reduction in the present number of his majesty's six equerries, as mentioned in the said Report." [A laugh from the Opposition benches.]

Mr. *Spencer Perceval* addressed the House for the first time. He said, that if it required any thing in addition to the importance of the question itself to rouse him from his seat on the present occasion, it was the respectful laugh which had burst from the gentlemen on the other side of the House. If there was any thing ridiculous in standing forward to fight the battle of his old and respected king, he was willing to encounter the shafts of that ridicule. It was with feelings of strong indignation that he heard the first proposition which emanated from the other side, a proposition by which the Commons of England were invited to attack the private property of the Crown. That feeling was changed to surprise, when he saw the same gentlemen come forward on a subsequent night, and turn their backs upon their own admission, when they found that they could not get the sum required out of the property of their sovereign. He had forborne from obtruding himself upon either of the former occasions, under an apprehension that he could not then have rendered any service to the cause; but the present was a stronger case, it stood upon a different ground, and appealed to warmer feelings. It was to be supported by the bold coming forward of every individual who felt a respect for their afflicted sovereign, and the more particularly as it was a question which had not the same support which was often bestowed upon others of less importance. He regretted thet the government had consented to diminish the establishment of the Crown one-half, and that the minister, instead of acting on his own responsibility for its preservation, had compromised with a committee, and submitted to minor defeats, in order to secure an imperfect victory. He could not but deplore their conduct as weak, and the conduct of the opposite party as marked by the same unremitting perseverance to harass and perplex the government which they manifested upon all occasions. In this instance, as in all the rest, they held out to the country, that they had supported the principle of economy and the rights of the people; and coming down fat from the pastures of popularity, boasted of their strength, by which they drove their opponents into measures of conciliation, at the same time weak and unworthy. The noble lord who moved for the committee had let in a certain number of those who resisted his government; they carried into the committee the old impressions of the wastefulness of ministers, and acting upon that impression, what work had they done? They had saved a couple of five hundreds

a-year; and with this saving, no doubt they would go in triumph to their constituents, to tell them that they had taken from off the shoulders of each individual in the community the fraction of a farthing, so small as to baffle denomination! Such was their claim to the gratitude of the country! But how would the country feel when they were told, that this saving was purchased at the expense of ingratitude and disrespect to the Crown—of cold and unkind treatment to the sovereign [cries of No, No!]? It was impossible that the question of economy could be implicated in this. It was not, whether they would save so much to the country, but whether, having already reduced the establishment one-half, they would give an additional kick of insult to the sick lion. The question was simply this, and if he had powers to impress their minds as he could wish, he would persuade them to to do away with the suggestion of the committee by a vote of the House, and to resist the indecent conduct of those who would impair the dignity of the sovereign.

Lord Castlereagh and Mr. Brougham presented themselves to the notice of the House. Lord Castlereagh first caught the Speaker's eye; but Mr. Brougham was loudly called on by the opposition members to proceed.

Lord *Castlereagh* said, that he should not have persisted in claiming priority of speech at that period of the evening, had he not been of opinion that he could offer some explanations to the House which would render it unnecessary to enter into any lengthened discussion. Though they did not convince him, he had listened with the most pleasing attention to the arguments of the last speaker, and had witnessed with the utmost satisfaction the same enthusiasm of feeling exhibited by the son in defence of our reverend monarch, as had formerly been displayed, so nobly and ably, by the father. Notwithstanding the respect which he felt for him, and for the gallant officer who had brought forward the present motion, he was obliged to disagree with them *in toto*: he did not think that the reduction of the equerries was a reduction at all detracting from the rank, the splendor, or the comfort of the sovereign: if he had thought that it did, he would have been the last man in the world to have lent himself to such a measure. He had submitted his motion regarding the privy purse and the *custos* to the House, in consequence of the report of the committee; and if his gallant friend had at that time had any objection to its suggestions, he ought to have entered his protest then, and not to have deferred it to the present minute. If any question had arisen in the report of the committee, regarding the loyalty of the House, he would have taken care that it should have been settled at as early an opportunity as possible. The hon. gentlemen had thrown out reflections, if not on the pusillanimity of ministers, at least on a feeling narrowly attached to it. He could not allow these reflexions to pass unnoticed, because they were totally unfounded. For his own part, he could not see how it could be more derogatory to submit the Windsor establishment to the revisal of the House, than it was to submit either the civil list or the Prince Regent's establishment; and yet, during the period that he had held the office which he now enjoyed, he had submitted the two last to the consideration of a committee. As he had adopted the suggestions made in the former part of the report, and had taken the sense of the House upon them, he did not think himself justified in turning round, and opposing the suggestions made in the latter part of it. He should, therefore, oppose the gallant general's proposition, and should move the previous question upon it.

Mr. *William Lamb* said, that he had listened with as much pleasure as any member on the other side of the House to the hon. gentleman who had spoken last but one. The recollections which had pressed upon the mind of every man in the House, in consequence of the subject on which he had spoken, had given his speech an additional interest of a very peculiar nature. Nothwithstanding that, he would make bold to tell him, that the laugh which had come from the side of the House on which he (Mr. Lamb) sat, and which had excited the hon. gentleman's strong indignation, had not been directed against the revered individual, whose advanced age and heavy misfortunes rendered him so strong a contrast to the splendor of a crown. He thought that the hon. gentleman would withdraw his anger, when he was told, that the laugh originated in the palpable inconsistency of the resolution. The preamble stated in lofty language, that the Windsor establishment ought to be conducted with all proper magnificence, and ended with

merely proposing the addition of two paltry equerries. When the beginning was so inconsistent with the end, it could not create any surprise that a laugh had been excited; and he therefore trusted, that the hon. gentleman would forget his anger, and be pacified by the explanation which was offered him. He was not at all surprised at, though he could not himself sympathize with the feelings of the hon. mover; he knew the hon. mover's sympathy for the persons who had lost these situations, and was sorry that he had not stifled the expression of it for prudential reasons; because, considering the quarter from whence it came, the expression of it was extremely imprudent. The saving obtained by this reduction had been ridiculed as being too paltry to deserve notice, but, in his opinion, a paltry saving was a great consideration, inasmuch as in matters of economy, it was not to the paltriness of the sum, but to the inutility of the expense that the country would direct its attention.

Sir. *A. Hope*, in explanation, stated, that if the hon. gentleman meant to insinuate that the motion had originated with any of his military friends, who were high in office, he laboured under a complete mistake.

Sir *John Nicholl* expressed his willingness to concur in the motion, and he did so under the impression that there was a possibility that the sovereign might, before his death, become sensible to the objects around him. If then, such an event was to take place, in what light could this paltry saving of 1,000*l.* be viewed, when the satisfaction of the royal mind was considered? His majesty, when surrounded by his faithful servants, would have the less cause to regret that, for so long a period, he had been shut out from the world, and from all the blessings and comforts of human life.

Mr. *Martin* (of Galway) said, that when he heard that a motion for the restoration of the two equerries was to be made, he had declared that it should meet with his support. He confessed that, after what had passed, he was in some embarrassment, from a doubt as to which side he should give his vote, and this doubt was caused by the manner in which the gallant officer had thought fit to word his resolution. He was ready to acquiesce in the motion for the restoration of the two equerries, but he was not prepared to agree with the hon. member in the reasons he had coupled with the motion. Not to appear, however, inconsistent with his former declarations, he should give his vote in favour of the motion.

Mr. *Grattan* said, that if the adoption of the motion were capable of adding in any degree to the dignity of the Crown, or the comfort of the sovereign, no man would be more ready to support it than himself; but he felt that, in the present unfortunate situation of the king, to annex a multitudinous train to his majesty would be a mere mockery. He could not accede to such a proposition, although were this train to add in the slightest degree to the dignity of the throne, or the comfort of the king, the grant of 1,000*l.* or even 10,000*l.* would, in his view, be a comparatively insignificant object. Were he present upon the proposition to grant 10,000*l.* to the duke of York, he should most probably have felt it is duty to vote against it; although he would have given his vote with a pang, considering the important services which that illustrious personage had rendered to the army and to the country. But with respect to the proposition before the House, his sense of duty impelled him to vote against it, as its adoption was not at all required by any consideration for the dignity or comfort of the royal family.

The previous question being put, "That the question be now put," the House divided: Ayes, 66; Noes, 259.

HOUSE OF COMMONS.

Wednesday, March 17.

Westminster Election—Petition of Voters.] Sir Francis Burdett presented a petition of the there undersigned inhabitants of the city and liberty of Westminster having a right to vote at the election of citizens to serve in parliament for the said city and liberty, on behalf of themselves and others, was delivered in, and read; setting forth,

"That the petitioners beg leave to represent to the House, that the right of election, or choosing of citizens to serve in parliament for the said city and liberty, is vested in the inhabitants householders paying scot and lot, of the united parishes of Saint Margaret and Saint John, and of the several parishes of Saint Paul Covent Garden, Saint Anne, Saint James, Saint George Hanover-square, Saint Martin-in-the-fields, Saint Clement Danes, and Saint Mary-le-Strand, including so much and

such parts of the said parishes of Saint Martin in the Fields, Saint Clement Danes, and Saint Mary-le-Strand, as are within the liberties, districts, limits, or jurisdictions of the duchy of Lancaster, and of the liberty or district of Saint Martin-le-Grand in the county of Middlesex, and of the precinct of the Savoy; that George Lamb, esq. commonly called the hon. George Lamb, and John Cam Hobhouse, esq. were candidates, and John Cartwright, esq. were duly put in nomination at the last election of a citizen to represent the said city and liberty in parliament; and the said George Lamb, esq. was returned as duly elected; that the said George Lamb, esq. by himself, his agents, friends, and managers, and by other ways and means on the behalf, or at the charge of him the said George Lamb, esq., did, after the vacancy happened in the said city and liberty of Westminster, and after the teste of the writ of election, give, present, and allow to persons having or claiming to have voice or vote in the said election, money, meat, drink, entertainment, or provision, and did make presents, gifts, rewards, or entertainments, and promises, agreements, obligations or engagements, to give or allow money, meat, drink, provision, presents, reward, advantages, or entertainments, to and for several persons so having or claiming a right to vote in the said election, and to or for the use, advantage, benefit, and profit of such persons so having or claiming a right to vote in the said election, in order to procure him the said George Lamb, esq. to be elected to serve in parliament for the said city and liberty of Westminster, contrary, and in defiance of the orders of the House, and in contempt of the provisions of the act passed in the 7th year of the reign of king William the third; that peers and lords of parliament did by themselves and their agents interfere in the said election, by canvassing and soliciting votes on behalf of the said Mr. Lamb, and by using threats to intimidate the electors from voting for Mr. Hobhouse, in violation of the privileges of the House and the freedom of election, and to the infringement of the rights of the Commons of Great Britain; that on Saturday and Sunday the 27th and 28th days of February last, and thenceforward till the end of the election, which terminated on Wednesday the 3rd day of March last, several hundred persons were hired by the said Mr. Lamb, his agents, friends, or managers, for the purpose of obstructing the approach of the electors in favour of Mr. Hobhouse to the hustings; and that such persons, from the time when they were so hired, and more particularly on the morning of the last day of the election, were guilty of several riotous attacks on electors who were approaching the hustings to vote for Mr. Hobhouse, and severely beat and ill used several of such electors; and that by such riotous and unlawful conduct several hundred electors were prevented from voting for Mr. Hobhouse; that Arthur Morris, esq. the high bailiff for the said city, and returning officer at the said election, acted partially and unfairly in the execution of his office as a returning officer during the said election; and that he rejected the votes of several persons who were entitled to vote, and who tendered their votes for Mr. Hobhouse, and that he admitted several persons who were not entitled to vote, to vote for the said Mr. Lamb; that by the said and other undue means, a great many electors who intended to vote for Mr. Hobhouse were deterred from coming to the poll, and the said Mr. Lamb obtained a majority of votes on the poll, and was returned accordingly to serve in parliament for the said city and liberty, in prejudice of the legal electors of the said city and liberty, and in open defiance of the law and freedom of elections; the petitioners therefore think themselves much aggrieved, and apprehend that the said election and return is an undue election and return, and they hope that the same will be deemed by this House null and void; the petitioners therefore humbly pray, that they may be heard by counsel touching the allegations contained in this their petition, and that they may have such relief in the premises as the House shall think proper.

Ordered to be taken into consideration on the 6th of May.

MARRIAGE ACT AMENDMENT BILL.] Dr. *Phillimore*, in pursuance of notice, rose to move for leave to bring in a Bill "to amend certain provisions of the 26th of George 2nd, for the better preventing of Clandestine Marriages." The immediate object of this bill would be, to amend that part of the existing law which referred to the marriage of minors, and his remedy intended to apply to such marriages whether by licences or banns. As the law now stood, any

marriage by licence contracted by a minor, without the previous conenst of his parents or guardians, was null and void. The enactment was absolute, and courts of law were compelled to set aside all such marriages. The evil results of such a system were, that suits were instituted many years after such marriages had taken place. There were instances where parties, after a lapse of twenty years, and with a numerous issue from the connexion had claimed the benefit of their own perjury. The evil, however, did not rest there, for the law inflicted its vengeance on the posterity; it being in the power of the next of kin at any time to interpose his objection, founded on the minority of the father, and thus prevent the property of the parent from being possessed by the child. Such a state of the law was a scandal and disgrace. The object of his bill was to limit the time for instituting such suits. He should propose that the parent or guardian should be limited to the time when the minority ceased, and that the suit of the minor should commence within one year after he came of age. With respect to his second object, the marriage by banns, it was notorious that in the metropolis and in other large cities, the publication of banns was a mere nullity. His remedy would be, to place minors under this description of marriage on the same footing as the amended law would place minors by licence, with this addition, that the parties marrying by banns should have a complete residence of one fortnight in the parish where the banns were published. He assured the House, that in submitting this measure to its consideration he was actuated by no visionary ideas of improvement, but solely by the desire to correct a growing and admitted evil [Hear, hear!]

Leave was given, and Dr. Phillimore and sir John Nicholl were ordered to bring in the same.

Sale of Ordnance Stores.] Mr. Alderman *Wood* observed, that he had so shaped his motion on the present subject, as to allow him to hope that the information he sought from the board of ordnance would not be refused. And he begged to premise, that in seeking for that information, he had no intention of urging any charge against the ordnance department or the Treasury for their conduct in the transaction. Sales had been made of articles principally consisting of iron, brass, sulphur and muskets to the amount of 200,000*l*. It was on commercial grounds that he wished to know the precise prices at which these respective articles were sold. He therefore moved, "That there be laid before this House, an Account of all Stores sold to Mr. Samuels, by the Board of Ordnance, from the 1st of January 1818 to the first of March 1819; specifying the different articles, dates of sale, and total amount paid for the same."

Mr. *Robert Ward* said, that the particulars and sales of such stores had already been minutely inquired into and reported upon. It would be in the recollection of the House, that that report stated, that there was a great quantity of stores on hand, which it was the duty of the board of ordnance to dispose of as soon as possible; not only because they were of a perishable nature, but because of the expense which would be incurred by the buildings necessary for their deposit; and it was also their duty, in a financial point of view, because of the money to be raised by their sale. The committee on the peace-establishment desired to know to what extent they might depend on the proceeds of Ordnance stores during three years. It was found impossible to raise any considerable sum, by the regular sales at the Tower, and by other tenders—say 100,000*l*. for three years together. The stores were of various kinds, viz. brass, iron, sulphur, gunpowder, and saltpetre; but of these gunpowder was the principal, both in point of value and quantity. By the usual course of proceeding, the board of ordnance would have been six or seven years in raising the sum which had now been procured. He must contend, therefore, that so far from any blame attaching to the board, they had acted like good stewards. The purchaser, a Mr. Samuels, had speculated in gunpowder and other articles, to an immense amount—220,000*l*. for which he had given the Treasury the most unquestionable security, that of Mr. Rothschild.

Mr. *Grenfell* said, he should like to know why the board of Ordnance had departed from the principle usually observed by all other public boards, of giving an opportunity of fair and general competition? The hon. gentleman had stated that that departure was in concurrence with the suggestion of a finance committee; but that was no reason for the adoption of a course

so directly contrary to all former usage. The sale might be very proper, if the stores were directed to be sold; but why did it take place in that clandestine manner? It was well known that the purchaser Mr. Samuels, was the brother-in-law of Mr. Rothschild, who was also known to have large money dealings with government. What had been the result? Why, that the country had not gained so large a sum for the stores by this private dealing, as they would have done by inviting competition. He must therefore suppose that some reason existed, for the keeping back of this contract. The hon. gentleman had said, that the articles sold were of a perishable nature; why, among them he observed 500 tons of old brass cannon! He should like to know what part they formed of the sum of 220,000*l.* If they had been sold for less than 50,000*l.*, they had not been sold for as much as persons whom he himself knew were disposed to have offered for them. He should therefore move, as an amendment to the motion, that the dates and prices at which the several stores were sold should be also specified.

The *Chancellor of the Exchequer* said, that the proposed amendment increased his objection to the motion. The contract was still going on, and it was proper to have a scrupulous regard for the interest of the person with whom the contract had been made.

Mr. *Baring* could not help thinking, that no sufficient reason had been assigned for departing from the principle of public competition. He knew little of the nature of the contract in question; but he could not conceive what harm could possibly accrue to the gentleman who had contracted, by making public the terms of his contract.

Mr. *R. Ward* said, that the hon. mover was too intimately connected with the interests concerned, not to be biassed in his views of the matter. As for the hon. gentleman who had spoken so much of fair, honest, and open competition, there was one other word which might have been very properly substituted—he meant combination; for the effect of such a proceeding as he recommended was always rather a combination among individuals, than a public competition. The average prices obtained for the articles in question, by means of the contract with Mr. Samuels, were as good as would have been obtained for a much smaller part of them, had they been publicly disposed of. The hon. gentleman opposite had stated, that a certain house would have given 50,000*l.* for 500 tons of old brass. He could only say that last year the offer made to government for that article by the house with which the hon. gentleman was known to be connected, was the lowest of all! viz. 59*l.* per cwt.; whereas 72*l.* was the price actually obtained. Had they closed with the hon. gentleman's offer, would the House ever have heard a single syllable from him about competition? No. He would have said that the sale was perfectly justifiable, having been sold after fair and public competition.

Mr. *Grenfell* said, the hon. gentleman was not justified in attributing to him any motives of personal interest.

The amendment was withdrawn, and the original motion agreed to.

HOUSE OF COMMONS.

Thursday, March 18.

Salt Duties.] Mr. *Calcraft* rose, pursuant to notice, to move for some returns respecting the salt duties, and though he was aware there would be no objection to his motion, yet he felt it necessary, upon this important subject, to state what he intended to do individually upon it. He was fully aware, when considering this subject in the committee, of the many evils and hardships which the duties produced; but he could not shut his eyes to the necessity of supporting the revenue at that time, and particularly so at the present. He could not lose sight of the fact, that these duties produced the sum of 1,500,000*l.* to the public treasury; and when he knew that the real applicable amount of what was called the sinking-fund was not more than that sum, he conceived it would be extremely delicate to touch the former. He felt that nothing could be effectually done to remove the evil, unless the tax were taken altogether from the excise; and that, he knew, was a thing which could not be done in the present state of the country. Between those two alternatives then, he had determined not to bring in any measure upon the subject in the present session. He hoped his countrymen would be induced to bear the tax a little longer, until some better financial prospect should open. At the same time, he thought some very useful regulations

might be made; and these he had no doubt, would be made, by his right hon. friend (Mr. Wallace), in the bill which he intended to introduce. The hon. gentleman then went into some detail upon the severity with which some of the present arrangements bore upon particular branches of business; amongst others, he observed that bleachers suffered considerably, in consequence of the regulation, by which no less a quantity than 50 bushels were allowed at a time. This bore very heavily upon the smaller dealers, who, in consequence of not being able to take so large a quantity at a time, were obliged to pay 37*s.* per cwt. for salt, while it cost the large dealers no more than 7*s.* When he thus expressed his intentions of not bringing forward any measure upon the subject this session, he begged it might not be understood that he did so from any alteration of his opinions upon it, or from a fear that, if he brought forward any measure that it would not be supported; he knew that, if he did bring it forward, it would be supported; but he refrained from doing so from the conviction that it was necessary to keep up the revenue, in order to keep faith with the public creditor. He was not in despair as to the hope, that something would soon be done in the abolition of the tax. The hon. gentleman concluded by moving, "That there be laid before the House a return of the quantities of Salt delivered, duty free, in England, during the year 1818; distinguishing the purposes for which the same were so delivered."

Mr. *Wallace* perfectly concurred in the statement of the hon. gentleman, that in the present state of the country, so large a portion of the revenues as the amount of the salt-duties could not be taken away. He heard, therefore, with pleasure, the hon. member's declaration, that he did not intend to agitate the question during the present session. The hon. member had alluded to the committee; he should say, that though the labours of that committee had not been productive of the result of removing the tax, yet great good had been obtained by them: they had examined into all the arguments and objections against the tax: they saw what were the evils to which it gave rise in some instances, and they also saw that many of those objections were without foundation, and that many of the evils were highly exaggerated. He himself believed that the article was a fair subject of taxation, and that the tax did not press with that severity which was described. It did not check any of our manufactories; the fisheries were not injured by it; for there was a supply sufficient to meet the demand; nor did he think it went to destroy the comforts, or subvert the morals of the poor. When he had heard, on former occasions, of the great quantities of salt which were to be used in agriculture, he was surprised that so small a share had been applied in that way. He hoped, however, that the time would come, when a much greater quantity would be used, with a less tax and a greater improvement to the revenue. He agreed that many improvements might be made in the regulations of the duties. The object of the bill which he intended to bring in would be to make such improvements.

Mr. *Curwen* observed, that the tax under consideration was the most unjust and oppressive of which the country had to complain, and especially in its operation against the interest of agriculture. He was, from experience, enabled to speak of the great good that might be derived to agriculture from the use of salt. But this article was not merely beneficial to agriculture; for it was found of great utility to sheep, horned cattle and horses. Following the plan of that able and diligent individual, sir Thomas Barnard, he had made use of salt to some extent, and so had other agriculturists with whom he was acquainted. He was convinced it would be generally used by farmers, if it were not for the amount of the tax. He had indeed, no doubt, that the duty might be very materially reduced, without any diminution of the revenue, because that reduction would very much increase the consumption of salt. His calculation was, that were the duty materially reduced, the annual consumption of salt among the agriculturists, would be equal to between 2 and 300,000 tons. The reduction ought, with this view to amount to the difference between 34*l.* and 5*l.* a ton; for the latter sum was quite enough; and he was sanguine enough to hope, that the propriety of such a reduction, would shortly be recognised by his majesty's ministers, and by that House, as it was now universally felt throughout the country. The hon. mover deserved the thanks of the public for the

judgment and perseverance with which he had followed up this important subject.

Mr. *Davenport* implored ministers, as well as that House, seriously to consider the importance of salt to the agricultural interest, as well as to our fisheries, and expressed a hope that some measure would be adopted upon this subject, agreeably to the just claims of both.

Mr. *Kennedy* said, that persons complained to him that the regulations were so vexatious, that they would rather forego the advantages held out, than subject themselves to the vexation and inconvenience imposed upon them.

Dr. *Phillimore* declared his conviction that the salt tax should be repealed altogether, because the existence of such a tax was repugnant to the primary principles of political economy. He therefore should feel great regret if the proceedings of the committee at the last session were to have no other termination than the adoption of such a bill as that alluded to. Thinking the tax under consideration to be totally pernicious, he could neither subscribe to the theories of the hon. mover, nor accede to the bill contemplated by the right hon. gentleman on the treasury bench; for in his opinion the tax should be done away with altogether, oppressive as it notoriously was upon the country. He would ask whether a tax which bore with so much severity upon the poor ought to be tolerated in any shape? Salt was so much an article of necessity, and in such general use among the poorer orders, that even were the tax reduced to the sum suggested by the hon. member for Carlisle, the effect would still be to subject every cottager to the payment of about two pounds a year. Thus the imposition would operate as an income tax to that amount upon a very useful, and the most distressed class in the country. He agreed, that the reduction of the tax would serve to render it more productive on the whole; but he was a decided enemy to the entire principle of the tax, because it operated not only to oppress the poor, but to injure the interests of agriculture, and materially to impede the progress of our fisheries, by giving to foreigners who were exempt from any such tax a decisive advantage over our own countrymen. He threw out for the consideration of the House, the propriety of reducing the tax progressively for four or five years, and then repealing the tax altogether.

Mr. *Egerton* supported the motion, and recommended a reduction of this tax.

Mr. *Calcraft* said, he still retained the opinions with which he entered the committee of the last session, which opinions were indeed strengthened by the evidence taken before that committee, and therefore he adhered to the first resolution, which it adopted, namely, that it was desirable to repeal this tax, but that, from the state of our income and expenditure, the committee were restrained from instructing its chairman to move the House for a total repeal. He was himself thoroughly persuaded, that so long as salt was under the excise, the consumption of that article would not be as extensive as it might be, especially among the agriculturists. But an opportunity would next year offer of entering fully into the consideration of the subject—when a revision of the Irish taxes was to be expected. The difference between the Salt tax in Ireland and in Great Britain was very remarkable indeed; for while in England the tax was 15*s.* a bushel, and in Scotland 6*s.*, the amount in Ireland was only 2*s.*; but most probably in the revision which was to be expected next year, arrangements would be made advantageous to all parties.

Mr. *Tremayne* said, that every man who had read the minutes of the last committee must be satisfied of the necessity of the repeal of the tax, or the great lowering of the duty. The farmers would never use it generally, unless the duty was lowered.

Mr. *V. Fitzgerald* said, that he could not allow himself to overlook the observation of the hon. mover with respect to the comparatively reduced amount of the salt tax in Ireland. If the hon. member expected that an augmentation of the Salt duty in Ireland would be the result of any such revision as he had alluded to, that hon. member would, he had no doubt, find his calculation erroneous, since it was understood, that no advance was to take place in the articles of salt and coals.

Mr. *Grenfell* observed, that no tax bore so hard upon the poorer classes as that of salt. He could not, however, in the present state of our finances, press for the repeal of that tax, if a substitute for it were not provided; but so obnoxious was this tax, that he could not hesitate to express his readiness to support any substitute in preference to it.

The motion was agreed to.

IRISH WINDOW TAX.]—Mr. *Hutchinson* said, he held in his hand a petition praying for the total repeal of the Window tax in Ireland. It was from the populous and important city which he had the honour to represent, and was most numerously and respectably signed. Among the signatures, were by far the most part of the respectable population of Cork. The petitioners appealed to the justice, the humanity, and the sound policy of that House in soliciting the re-repeal of a tax, the existence of which had been found extremely injurious to the health of the people of Cork. They stated that this tax was originally imposed as a war tax, the chancellor of the exchequer at the time of its imposition, expressly stating that it was meant to continue for only three years, or during the war. But this tax was found exceedingly injurious, not only in Cork, but throughout all Ireland. The injurious effects of this tax to the health of the people, he could state from his own observation. The prevalence and wide-spread malignity of the typhus fever, which had of late years committed such ravages in Ireland, was in a great degree to be attributed to the operation of this tax; for this tax served to extend the prevalence, and aggravate the severity of this direful disease, the poorer orders, who were unable to pay that tax, being necessitated to shut up their windows, and thus to exclude the air. He hoped that this subject would shortly be taken into the consideration of the House, and it could not fail to interest the attention of every just and humane mind. The petitioners observed, that parliament had in its justice repealed the income tax at the conclusion of the peace, because it was originally laid on as a war duty; and a hope was very naturally expressed, that the same measure of justice would be dealt out with respect to the Irish Window tax. It was also seen by the petitioners, that parliament had very recently repealed so much of the tax upon husbandry in this part of the empire, as equal in amount to the whole produce of the window tax in Ireland, namely, 200,000*l.* a year. With this circumstance in their view, and the recent declaration of the noble secretary for foreign affairs, as to the general prosperity of the empire in their recollection, the petitioners must naturally be encouraged to regard the present as a period peculiarly auspicious for the object of their application. He trusted that this calculation would be justified by the event, and that the chancellor of the exchequer would contrive to provide some substitute for this tax, if a substitute were indispensable.

Ordered to lie on the table.

CONSOLIDATED FUND PRODUCE BILL.] The Chancellor of the Exchequer moved the order of the day, for the House to resolve itself into a committee on the consolidated fund produce bill. On the motion, "That Mr. Speaker do now leave the chair,"

Mr. *Grenfell* said, that the proposed measure, with reference to the accumulation of public money in the hands of the Bank of England, was by no means what the House had a right to expect from the repeated statements and declarations of the chancellor of the Exchequer since the commencement of the session, and particularly those of the 1st February, and of Friday last. Those statements and declarations were calculated to mislead and disappoint the public, and in fact the public had been misled and disappointed. He would venture to appeal to every member in the House, to the chancellor of the exchequer, and to the country at large, whether what had fallen from the right hon. gentleman did not amount to this—that as public money had accumulated in the hands of the Bank of England to the amount of 7,000,000*l.*, he had a measure in contemplation which would have the effect of abstracting 6,000,000*l.*, and rendering it available to the public service. In other words, that the public would derive an advantage equal to the interest upon 6,000,000*l.* of money. If the right hon. gentleman had any doubt, perhaps one circumstance might bring the whole distinctly to his recollection. Something had fallen from him leading to a supposition that he meant to limit his bill to the exchequer balances, which had immediately induced him (Mr. Grenfell) to rise and state, that there were other balances, amounting, on an average, to 3,000,000*l.*, and that he should not be satisfied unless they were also touched and appropriated to the service of the nation. Did not the right hon. gentleman then assert unequivocally, that his plan would not be confined merely to the exchequer deposit, but would embrace all the public money in the hands of the Bank; or to put it more shortly, deprive that body of 6,000,000*l.* out of 7,000,000*l.* leaving it

†

1,000,000*l.* as an adequate remuneration for its trouble in the character of accountant? Now, the utmost that could be obtained from the bill before the House was, that the public would receive what was equivalent to the interest upon three millions instead of six. As a confirmation of what he had advanced as to the promises of the chancellor of the exchequer, he might appeal to the right hon. gentleman at the head of the woods and forests, (Mr. Huskisson), who had asserted, that in his opinion, the arrangement suggested on Friday last would not be more advantageous than that made by Mr. Perceval and himself. It was well known, that there were no less than 56 balances of various kinds in the hands of the Bank, and the measure now proposed only touched one of them; so that, in fact, the House and the country had been totally misled by the flattering expectations held out by the chancellor of the exchequer.

The *Chancellor of the Exchequer* said, that the very title of this bill, certainly the resolution he moved for in the committee of the whole House, was the best answer to the hon. gentleman's observations. The title was for the application to the public service of a part of the growing produce of the consolidated fund. It professed solely to refer to the exchequer bills account, which was certainly only one (though a very important one) of the 56 accounts of balances. The hon. gentleman was well aware, that since the peace, the public balances in the hands of the Bank had been reduced to six or seven millions; he must also know, that with respect to several of these balances, the sums for instance from the court of chancery, in the hands of the accomptant-general, and the monies for the public creditor, he had no control, as their appropriation was specifically enjoined by a distinct act of parliament. He could assure the House, that in the general public departments, where cash must be in the first instance deposited for the ordinary transactions of business, care was always taken not to leave a deposit for a larger sum than would cover the exigencies of a week or ten days in advance. There was, it was true, another branch of public balances in the hands of the Bank, he meant the revenue balances, which were no longer suffered to remain in the hands of private bankers, in the names of the receivers-general, and these were weekly, and sometimes oftener, paid over to the exchequer. Perhaps the total of the smaller balances would not be found to exceed at the outside 1,600,000*l.* or 1,700,000*l.* If, in the course of business, still further sums could be rendered available for the public, he was ready to admit that such savings should not be lost sight of, and that they ought to receive immediate attention. He had no hesitation whatever in saying, that the interest of six millions would be available to the public, three millions on the day after this act passed. He thought this would be found to be the fact subject to the Bank debt, and the arrear on the consolidated fund. In 1808, when the Bank had the benefit of public balances, amounting on an average to eleven or twelve millions, Mr. Perceval conceived he had made a good bargain when he got a loan of three millions free of interest. The present arrangement was, he thought, still more advisable with a view to the public interests. The bill did not protect the Bank against any farther reduction of their balances, if it should appear desirable to make such reduction; it only went to regulate one important branch of the public balances.

Mr. *Tierney* begged to ask the right hon. gentleman, what was his own undertaking when first he announced to the House his intention of making the public balances in the Bank available to the public service? Was it not that he contemplated the reduction from seven millions to one, applying thereby six millions to the use of the public? He now asked, whether in the answer, or rather no answer, he had given to the speech of his hon. friend, he had not altogether abandoned that intention? These Bank balances consisted of two descriptions—one from the growing produce of the consolidated fund, the other arising from the general receipts of the departments of the government. How came it then, that the proposed measure was now reduced to so limited a scale? He verily believed the chancellor of the exchequer would, if he could, have been consistent, but the truth was, that he was overruled by the Bank, and consequently obliged to hedge from his original engagement. As to these six millions being made available, he believed such a hope had no existence but in the imagination of the chancellor of the exchequer. He, however, first took credit for 3,300,000*l.* going to meet certain arrears and deficiencies arising on former

quarters out of the consolidated fund. Now, for such a purpose, he had no necessity for the present bill, as there already existed an act of parliament which provided for such deficiency by the issue of exchequer bills which bills were to be met by the current revenue of the succeeding quarter. Then came the other branch, namely the repayment of 3,000,000*l.* due to the Bank. What means had the House of knowing that a sum existed to be thus applied? They had no papers before them on which alone they could form a correct judgment. It was but the other day the chancellor of the exchequer moved for the production of a paper calculated to give information on that part of the subject. He might have the paper in his hand, but he should allow members time to get its contents into their heads. Would he say, that there existed the means of making to the Bank an actual and positive repayment of 3,000,000*l.*? Surely he must feel that it would be unbecoming in him to say so, merely because such a balance existed on one particular day in the quarter—he must feel it a perfect fallacy, unless such a result could be shown from the average of the quarter. Let him (Mr. T.) be allowed to remind the right hon. gentleman, that early in the present session, he himself thought, in answer to an observation of his hon. friend, that the considerations of the Bank balances should be referred to the committee now sitting on the Bank question. He (Mr. T.) differed from him as to the reference to that particular committee, feeling that the question should go to the committee of finance. Why not refer the question now to them, and delay the committal until the House had its report? The House stood in need of information, and the chancellor of the exchequer should have a little mercy on them, and not measure their intellects by his own. The probability was, that after that committee had made their report, there would be no difference of opinion. The right hon. member concluded with moving as an amendment, the postponement of the committal of the bill until Monday se'nnight.

The *Chancellor of the Exchequer* replied, that his bill went to regulate the whole question respecting the exchequer balances, and he could not consent to postpone it for the object alluded to; at the same time, he felt no difficulty in admitting, that the whole of the other balances might come very shortly under the consideration and regulation of the House. This would form no ground whatever for delaying the operation of the present bill.

Mr. *Tierney* said, that all he wanted was, to know the effect of the principle of this bill. If the bill were referred to a committee, he would pledge his existence they would make no such report as the right hon. gentleman had made in anticipation of its efficacy.

Mr. *Lushington* observed, that he had found no reason to depart from the explanation he had given on a former occasion, namely, that 3,300,000*l.* would be on account of arrears of the consolidated fund, and 2,700,000*l.* would be applied to the payment of the Bank.

The House divided on the chancellor of the exchequer's motion: Ayes, 154; Noes, 80 The House having resolved itself into the committee,

Mr. *Tierney* pressed the right hon. gentleman to state, in what manner he expected to have between two and three millions available to go in reduction of the Bank loan.

The *Chancellor of the Exchequer* replied, that he expected the amount would turn out to be as he had already stated it.

Mr. *Tierney* repeated, that all he desired to know was, what was the probable amount of the sum which was expected to accrue at the end of the quarter, when this bill was to come into operation?

The *Chancellor of the Exchequer* replied, that he thought the average amount alluded to would be about three millions, as far as he could judge.

Mr. *Tierney*.—The right hon. gentleman says he believes, as far as he can judge, the quarter's average will be about three millions; now, as far as I can judge, I don't believe a single word of it.

Mr. *Grenfell* asked, what was to be done respecting the exchequer bills which had been issued at an interest of 2*d. per diem*, where they had remained over in the hands of the Bank?

The *Chancellor of the Exchequer* replied, that they would be subject to the usual regulations.

Mr. *Maberly* desired to know whether the Bank had not received an interest at the rate of 2½*d.* on these bills, when the public only received 2*d.*?

The *Chancellor of the Exchequer* replied, that whenever they had held over those bills, they received the interest according

to the regular arrangement made at the time.

Mr. *Maberly* said, he understood it was admitted, that where the public only derived an interest of 2*d.* the Bank had contrived from the nature of their bargains, to get 2½*d.* per day on these exchequer bills. The public bought their bills, and received their interest at the rate of 2*d.*; the Bank held out and got 2½*d.*: so that the difference, instead of being in favour of the public, who purchased with real capital was in favour of the Bank, whose capital was formed by the working of its paper-mill.

Mr. *Williams* thought it now quite clear, that after the public were shut out from receiving interest on exchequer bills, which had been held over after a certain day, the Bank continued to obtain an exclusive amount of interest.

Mr. *Grenfell* again protested against the provisions of this bill. Why was its operation restricted to the saving of the interest on six millions, which was expected to accrue out of the exchequer? The amount first accruing was, after the arrear on the consolidated fund was settled, to be applied to the payment of the Bank loan. He referred to the quarterly accounts, and said it was impossible to carry this saving higher than three millions by the present bill. He pointedly condemned the limitation of the operation of this bill, and asked, why it should not be made to apply to the whole amount of the growing produce of the consolidated fund? He could see no reason why this should be the case, except that the attempt to make it so, however beneficial to the public, would trench on the profits of the Bank.

The *Chancellor of the Exchequer* said, that this bill was made only by way of experiment, and its principle might hereafter be extended to the other balances. In his present plan, he kept in view the principle of the negotiation between Mr. Perceval and the Bank, in 1808.

Mr. *Maberly* said, that from the ambiguity of the explanations offered in the committee, he was more than ever convinced of the necessity of referring the subject to the Finance Committee.

Mr. *Huskisson* said, the system now proposed protected the interests of the public creditor as much as any that could be devised.

The House resumed, and the report was ordered to be received to-morrow.

Bankrupt Laws.] Mr. *J. Smith* rose, pursuant to notice, to move for leave to bring in a bill to amend the Bankrupt Laws. He observed, that, in calling the attention of the House to this subject, he meant not to enter into the history of those laws. There were, he was convinced, many gentlemen in that House who believed they were not interested in this question, because they imagined that the bankrupt laws did not affect them. It was, however, very difficult to say, who were, or who were not, subject to them. In fact, persons who were never directly connected with trade, might, as appeared from recent decisions, be subjected to the operation of those acts. That a revision of the laws should take place, was most important to the interests of the commercial world, and more so, to the interests of humanity. He should say no more at present, but move "That leave be given to bring in a bill to alter and amend the laws relating to Bankrupts."—Leave given.

Junior Lords of the Admiralty.] Sir *M. W. Ridley* rose, in consequence of the notice which he had already given, to move an Address to his Royal Highness the Prince Regent, praying that he would be graciously pleased to give directions for a reduction in the number of Junior Lords of the Admiralty. He was sensible of the peculiar difficulty of the task he had undertaken. It was with great diffidence that he at any time ventured to address the House; but on the present occasion more particularly he felt diffident of his ability to arrest their attention, because he was aware, that it was scarcely in his power to throw any additional light on a subject which had already been so thoroughly discussed. He was cheered however by the consciousness that he was performing a public duty, and he trusted, that in the importance of the question itself the House would forget the inadequacy of the individual by whom it was brought under their consideration. He confessed that he had almost flattered himself he should be prevented from finding any necessity for the performance of this task. Recollecting the opinions delivered in the House of Commons at the time when he had formerly taken the liberty to introduce this subject, recollecting that he was on that occasion supported by as numerous a minority as ever divided on a question of that nature, he

really had hoped that the sentiments expressed in the House, and echoed by the public from one end of the kingdom to the other, would have induced his majesty's ministers to embrace the opportunity which lately presented itself to them, of advising their royal master to do an act of grace and liberality by withholding any appointment to fill up the vacancy which had recently occurred. As far as he was personally concerned in the question, he should have had no wish to press it, had he not considered it a duty imperative on him to do so in consequence of the neglect of his majesty's government to comply with the general feeling on the subject. And here he must say, that he thought there had been something of precipitation, not to say of indelicacy, in hurrying the appointment to which he had alluded pending the discussion of the subject. He gave notice of his motion the moment the new writ was moved, and with whatever confidence his majesty's ministers might reckon on the result of the decision of the House on that evening, he conceived that it would have shown but a proper deference to the House to wait until that result was ascertained. When the subject was last under consideration the noble lord opposite had endeavoured, and too successfully endeavoured, to persuade the House to reject his (sir M. W. Ridley's) motion, principally on this ground, namely, that the question was likely soon to be submitted to the investigation of the committee of finance, and, therefore, that if the House were to come to any decision upon it, they would prejudge a question on which it was the business of the committee of finance to pronounce. For his part, he (sir M. W. Ridley) owned he was one of those who regretted the departure in the House of Commons from the good old system of taking upon themselves the responsibility of considering subjects of importance; and who lamented to see that responsibility almost invariably cast on the shoulders of a committee. When, however, the House had confided the investigation of such a subject to a committee, he was as little inclined as any man to differ from or find fault with the opinion entertained by it. But on the present occasion he felt it to be indispensable to request the attention of the House to that part of the report of the committee of finance which related to the subject under discussion. It was very curious to observe the variation of opinion expressed by the noble lord at one time in the House and at another in the committee above stairs. The noble lord (he repeated) said, that it would be expedient for the House to defer the consideration of the motion which he had made, because it related to a subject on which the committee of finance would be called to report.—That was said by the noble lord in the month of February. In the month of June the committee made its report. The first paragraph in that report which related to the subject of the motion was to the following effect, viz.—"That the consideration of the number and salaries of the lords commissioners of the admiralty seemed to the committee to be withdrawn from the scope of its investigation, by the late vote of the House of Commons." Thus it appeared that the noble lord, when in the House, argued that the number of the lords of the Admiralty ought not to be reduced, because the subject was about to undergo the examination of the committee of finance, and that in the committee of finance the noble lord argued, as appeared by the report (in the formation of which the noble lord had, no doubt, sufficient influence), that the committee had not the power to investigate the subject, because by a late vote the House of Commons had determined not to entertain it. This was a sample of the value of the report made by the committee of finance in 1817, and of the little weight which it ought to have with the House, if brought forward to-night to assist in the opposition to his present motion. But, even supposing the report of the committee of 1817 had been hostile to the continuance of the existing number of junior lords of the Admiralty, there was reason to conclude, from analogy, that the recommendation of that committee would not have been attended to by his majesty's ministers. He begged to call the recollection of the House to what had taken place with respect to the commissioners of the navy board. In the report made by the committee of finance on the subject of the commissioners of the navy board, it was specifically stated, that the committee was far from being satisfied that so many commissioners of the navy board were necessary in time of peace,—that the difficulties which appeared to exist in the way of a reduction in their number seemed to the committee to be merely

technical (these difficulties, it might be necessary to state to the House, were started by the commissioners themselves, and other officers of the Admiralty, on their examination) and that the committee recommended a careful examination of the subject and great caution and hesitation before any future vacancies should be filled up. It was scarcely to be expected that his majesty's ministers should have availed themselves of the only opportunity that offered for proceeding in the direct teeth of the recommendation of the committee. As to the individual who had been in consequence appointed a commissioner of the navy board, if the most respectable character and good qualities of every description were a bar to any objection to the proceeding, he was free to confess that that individual was as likely as any man to form an exception to a general rule of remark. But it was not the character or respectability of any man which could justify his appointment to the office. Nothing but the expediency to the public service of any appointment could be its justification. So much for the effect which the report of the committee of finance of 1817 had on the proceedings of his majesty's ministers. He now wished to direct the attention of the House to the report of a committee deserving of still greater attention; he meant the report of the committee of 1797. That committee was composed of individuals, of whom the country could boast of no persons possessing greater knowledge of business, or more inclined to do every thing that was calculated to benefit the public service. In looking over the names of the members of the committee of 1797, there would be found very few individuals who would be disposed to recommend any reduction of public establishments, the tendency of which might impede or embarrass the discharge of great public duties. Among them were Mr. Abbot (now lord Colchester), Mr. Dudley Ryder (now earl of Harrowby), the late Mr. H. Thornton (a name associated with recollections of the most honourable description), Mr. Yorke, and a number of other persons of a character to inspire perfect confidence in the recommendation which they might offer to parliament. He would read to the House a passage from the report of that committee, as he founded upon it his main argument for the adoption of the motion which he was about to submit to them. It was to the following effect:—"That the committee thought it their duty to observe, that the number of commissioners of the board of Admiralty, being six, exclusively of the first lord, was not likely to be susceptible of reduction during the war (the committee here alluded to a correspondence with the Admiralty board, in which the latter represented, that in time of war it would not be possible to carry on the business of that department of the public service with a smaller number), but that they thought it worthy of consideration, whether in the event of the restoration of peace such a reduction of business might not ensue, as would render practicable a reduction of the number of commissioners, and other persons employed in the Admiralty department, consistently with the advantage of the public service." Such was the report of the committee of 1797. Undoubtedly, his majesty's ministers had recently acted in conformity to a part of it.—They had dismissed a number of "persons employed in the Admiralty department." These they had considered no longer useful or necessary. They had dismissed a great many clerks, reducing the number on the establishment from sixty, he believed, to thirty. Such persons were sent to the right about without hesitation. But the moment a word was said of the uselessness of any of the commissioners, and of the expediency of reducing their number, the feelings of his majesty's ministers were strongly excited. They experienced a reluctance to act which they could not overcome. Patronage, influence, and power, being on one side, and love of economy and retrenchment on the other, the latter soon gave way; and the junior lords of the Admiralty continued to hold their places, and to take their salaries, and to do nothing, in spite of the report of the committee of 1797. He would now endeavour to prove to the House, that such a diminution of the business of the Admiralty department had taken place, as that which was contemplated in the report of the committee of 1797, as forming, whenever it might occur, a just ground for diminishing the number of commissioners of the board of Admiralty. In the first place, there could scarcely be a greater proof of the diminution of business, than the dismissal of so many clerks. Another proof was to be found in the reduction of the number of public board days at the Admiralty. He spoke in the presence of those who would correct him

if he was in error; but he understood that formerly five of those boards were held every week, and that now the number was reduced to three. This afforded ample proof of the diminution of business. But there were farther and still less questionable proofs. In 1797, when the report of the committee to which he had so often alluded was made, the number of men voted by the House of Commons for the service of the navy for the year was 120,000. From 1797 to 1814, the numbers annually voted varied from 120,000 to 140,000. In 1797, the number of ships of war of every description in commission exceeded a thousand. What was the present condition of our navy? The number of seamen voted for the service of the present year was 20,000. The number of ships of war of every kind in commission was 137; viz. sail of the line (not half officered and manned) 24; frigates 45; sloops of war and brigs 57; king's yachts, 11; making in the whole 137. Thus it appeared, that for 20,000 men and 137 ships, the same number of junior lords of the Admiralty was deemed requisite, as was necessary when 1,000 ships were in commission and 120,000 seamen annually voted! To one of these conclusions it was impossible not to come—either that in time of war there had been too few commissioners to transact the business of the Admiralty, or that in time of peace there were too many. As, during the war, no complaint had been made of an insufficient number, the inference was, that the number was fully competent to transact the business of the navy in time of war; and the farther inference was, that the same number must be much greater than was necessary to transact the business of the navy in time of peace. He was perfectly aware of the exertions made by the Admiralty to reduce the expenditure of the navy, and he did not wish to detract from the merits of those exertions. In fact, he was even disposed to find fault with the reduction which had taken place as carried beyond what was justified by sound policy and national interest. It was deeply to be regretted that, in a country like Great Britain—essentially maritime—that force was not kept up, at least to a certain extent, on which we ought to rely as our sole defence. It was deeply to be regretted that our navy should be suffered to fall into such a state of dilapidation, while a preference was shown to another description of service, which, highly as he valued it, and carefully as he wished to abstain from speaking of it with the slightest disrespect, or from throwing on it the least reflection, he could not without pain see maintained in its present strength, at a time when the navy was so reduced, that on any sudden emergency, it would be extremely difficult to put it again on that footing which was indispensable to the security and honour of the country.—On the unexpected breaking out of any war, it would be very difficult to re-assemble the large body of seamen who had been dispersed. But if two of the junior lords of the Admiralty were dismissed, and a necessity should arise for their re-appointment, not five minutes need be lost in seeking for persons qualified (at least in their own opinion) for the situation. The noble lord opposite need but hold up his finger, and he would have plenty of candidates for the offices as fit for them as the individuals by whom they were at present occupied. There might be great danger therefore to the country, in the dispersion of so many of her brave seamen, but there could be no danger to the establishment of the board of Admiralty, in the dismissal of two of the junior lords. The former could not be recovered without difficulty, the latter could be replaced with perfect ease. While he was on the subject of the reductions made by the board of Admiralty, he begged to mention one particular reduction, which, he confessed, he thought might have been spared, in deference to the general feeling now so happily established, of the incalculable advantages which the community would derive from the diffusion of moral and religious instruction among all classes—he meant the reduction of chaplains in the navy. Against that reduction a remonstrance had been presented to the lords of the Admiralty. The answer to that remonstrance he held in his hand. It stated that a chaplain should be appointed to each of the three principal ports to do the harbour duty; and that those three chaplains should be selected from the oldest chaplains on the list. Nothing certainly could be more proper than such an arrangement; and it was fairly to be expected that no attempt would be made, in any instance, to counteract so just a determination. Nevertheless, if he had not been misinformed, and he had reason to believe his authority for the assertion was very good, the appointment had taken place at Portsmouth of a gentleman to the situa-

tion of chaplain, who although no doubt a very respectable man, had no claim to that appointment on the ground of public service, and, at the time of the appointment, was not even on the list of chaplains of the navy. On what grounds this transaction had taken place he would not pretend to say, but if the information which he had received was correct, those who looked at the proceedings at Portsmouth during the last general election, might see in those proceedings the reasons of the appointment of the individual in question, and might be induced to imagine that it was the result of the influence which he possessed and exerted on that occasion, and not of any considerations of a public nature. He mentioned this circumstance in aid of his position, that his majesty's government were perfectly disposed to retrench every thing connected with the navy, or admiralty, except when patronage or influence was threatened to be touched. If he found that he had been erroneously informed respecting the circumstance, he would instantly acknowledge it; but at present he believed what he had stated to be the fact. Such as he had described being the reduced state of the navy, he appealed to the House and to the country, what use there could be in maintaining the war establishment of secretaries and lords, merely to receive salaries, and to assist one another in transacting the diminished business of the office.—The hon. secretary of the Admiralty smiled at this. He was glad to see the hon. gentleman's face again, and must say, that he came in most opportunely and fortunately to furnish the House with information on the present question. As to the hon. baronet near him, whose situation was implicated in the proceeding before this House, he presumed that that hon. baronet would not vote on the question; but that having communicated such facts as he might wish to put the House in possession of, he would withdraw before their ultimate decision. Perhaps, however, the hon. baronet's vote was the only thing he was prepared to give. It was not necessary for him to trespass much longer on the time of the House, but he wished briefly to notice a few objections that had been formerly made to his proposition. In the first place it had been said that the present constitution of the board of admiralty was no novelty; for that it had always consisted of the same number of members. In the time of Henry 8th a board of admiralty and navy was appointed to assist in conducting the business of the navy. Generally speaking, the cases to which their attention was directed, were similar to those under the management of the present lords. He would state again, with increased confidence, what he had stated when the question was formerly discussed, that from that time to the present there were various instances in which the board of Admiralty did not consist of six members, but of fewer than six. The statements which he was about to make were from authority on which he could perfectly depend. It appeared that in 1702 (the beginning of the reign of queen Anne), four commissioners were appointed as a council to assist in the superintendence of naval affairs. In the course of the next year the number was changed to five. In 1706 they were again four. In 1714 the number of commissioners was five. In 1717 the number of commissioners was five. In 1775, under the Administration of lord Sandwich, the number of commissioners was five. But he could prove, and he would prove, that in later times six junior lords were not considered necessary to the discharge of the duties of the board of admiralty. In 1789, when the earl of Chatham was at the head of the board of Admiralty, there were six junior lords. But in the course of the year one of them died, who was not replaced for a twelvemonth; during which twelvemonth, therefore, the business of the board of Admiralty was transacted by five junior lords. The hon. secretary of the Admiralty had asserted, during the former debate on this subject, that although there might have been occasional vacancies, the same sums had always been voted by parliament for the board of Admiralty. Certainly he (sir M. W. Ridley) had not access to so many documents as the hon. gentleman had. But he had examined what he deemed to be pretty good authority, namely, the Journals of the House, and he found that until a few years ago there was no specific description of them in the navy estimates. They were regularly voted under the head of Contingencies of the Admiralty. There was, therefore, no proof on the subject. Another objection which had been started to his proposition was, the nature of the commission by which the board of Admiralty was constituted, and which ordered that all documents should be signed by three or more members. Now, in the

first place, that difficulty might be got over by an address to the Prince Regent, stating, that in the opinion of the House the concurrence of two or more lords in signing any documents would be sufficient But the fact was, that notwithstanding the provision in the commission requiring that documents should be signed by three or more lords, general documents and orders were in fact seldom signed by more than one of the naval lords, and the secretary. It had also been said that a board ought to consist of three lords, in order that in the event of a difference of opinion, a decision might take place. But in the event of a difference of opinion in a board composed of two lords, might not a reference be made to the first lord? And, indeed, would any man believe it possible, that even at present the first lord of the Admiralty—an individual holding one of the highest stations in the cabinet, charged with a most weighty responsibility—would, on any matter of importance, depute that responsibility to any of the junior lords of the Admiralty, running the risk of the consequences, the extent of which, in a maritime country, such as Great Britain, no one could foresee? Would the noble lord now at the head of the Admiralty trust to the hon. baronet opposite, however high his character, or to any other junior lord, in any matter of serious moment? Such a supposition could not for an instant be entertained. It was not the practice – it could not be the practice.—The junior lords might transact the general business; but it was well known that on questions of a grave nature they followed the advice, and signed the papers recommended to them by the first lord. Again, it had been contended in favour of maintaining the present number of junior lords, that it was necessary to send boards occasionally to the various ports for purposes of investigation. But really in time of peace, when we were not constructing a navy, such an ambulatory board did not appear to be necessary; and at any rate it was quite absurd to send on such business individuals (and constituted as the Admiralty board now was, such individuals must be sent) so little acquainted with nautical matters, that they scarcely knew a seventy-four from a mail coach. It was not such persons that could carry on any inquiry with advantage to the public; but individuals who were well acquainted with the subject to be examined, and whose reports would be as valuable as those of the ignorant would be useless, if not mischievous. He knew it was a question on which wiser heads than his had differed—whether or not it was proper or desirable that a naval man should be at the head of the board of Admiralty. He would not presume to express any opinion on that point; but this he would venture to say, that in the present reduced amount of the business which the board of Admiralty had to transact, two sea lords, one lay lord, and the first lord, would be sufficient.—One lay lord would unquestionably be useful. The early habits of a sea life were not such as to qualify many of those who followed it from acquitting themselves in that House with satisfaction to themselves; and it was therefore expedient that there should be one lay lord to transact the necessary parliamentary business, to move the navy estimates, &c. &c. Such was the view which he took of the constitution that was desirable of the board of Admiralty. Such were the grounds on which he ventured to press his motion on the House. Insignificant as was the saving which that motion went to effect—insignificant as was the number of offices which it tended to abolish—the question was important in another view. It was important as laying a ground for cutting off, wherever it could be cut off, every situation merely of power and patronage, which was unavailable to the service of the country, and which threw an unnecessary burthen on the people. If it did little else, it would establish the principle of retrenchment and economy; and if ever there was a time when the smallest saving ought not to be neglected, it was the present, when the people were loaded with a weight of taxation which they bore with a degree of patience which entitled them to every effort that could be made for their relief. It would well become the House of Commons, as the guardians of the public purse, to place themselves in the situation of the people—destitute of every advantage that property or influence could bestow, and to devise such measures as might diminish the evils they endured. He implored the House, therefore, to consider well before they went to a vote on the present occasion. They were pledged to carry into effect every retrenchment that was compatible with a due regard to the public service. Hoping that the proposition which he was about to make could not be proved to be in any way de-

trimental to the public interest or security, he looked with confidence to the concurrence of a majority of the House in the Resolution which he should have the honour to move, namely:—"That an humble Address be presented to His Royal Highness the Prince Regent, to represent to His Royal Highness, That His Majesty's faithful Commons, relying upon the gracious disposition of his Royal Highness to concur in all such measures of economy and retrenchment as may be consistent with the security of the Country, humbly pray, That His Royal Highness would be graciously pleased to give directions, that the Lords Commissioners of the Admiralty may be reduced to such numbers as the exigencies of the public service may actually require in a time of profound peace."

Sir *G. Cockburn* took the earliest opportunity of repelling the personal attack made upon him by the hon. baronet.

Sir *M. W. Ridley* disclaimed any intention of making a personal attack on the gallant admiral.

Sir *G. Cockburn* said, that the hon. baronet had spoken of the patronage used by a member of the board of Admiralty for electioneering purposes at Portsmouth. He had the honour to represent that borough, and he, therefore, indignantly repelled that charge, as he would any charge made against his conduct either in or out of that House. He had a plain tale to state on the subject. As soon as the reductions which had taken place in the navy were determined upon by the Admiralty board, it was decided that the three senior chaplains of the navy should be appointed chaplains to the three ports—the senior to Portsmouth, the second to Plymouth, and the third to Chatham. As soon as that decision was taken, orders were issued for a return of the names of the three senior chaplains. In the answer to those orders, the first name was that of Mr. Cuthbert. Now, was it his (sir G. Cockburn's) duty, because he was a member for Portsmouth, to say that that gentleman should not be appointed the chaplain there? Such was the simple fact on which the hon. baronet had made so many extraordinary remarks. As he was on his legs, he would say a few words on the motion before the House. The hon. baronet founded that motion principally on the great reduction that had taken place in the business of the board of Admiralty. With humble submission to the hon. baronet, he must say, that he had much exaggerated, if not entirely misstated, the real case. The business of the board was not diminished so much as from a cursory view might be supposed. During war, the number of ships in commission were divided into ten or twelve stations (he did not recollect which), at each of which stations there was a commander in chief, whose business it was to carry on all the minor details of the service; and to whom the rest of the officers addressed their communications. It was, therefore, only with those ten or twelve admirals that the board of Admiralty had to correspond. But now that all the ships were paid off, there were above 8,000 naval officers distributed over the face of the globe, with all of whom the board of Admiralty was in correspondence. Even if any one of those officers changed his residence, it necessarily became the subject of communication by letter. For, differing in that respect from the officers of the army, the naval officers were liable to be instantly called on to serve in cases of emergency, and it was indispensable therefore that the board of Admiralty should know where they all were; and be in habits of correspondence with them. Some of them frequently applied also for the remedy of grievances which they conceived they suffered. Others solicited promotion. A vast proportion of them also, whose active minds had been in constant excitation during war, could not sink at once into idleness. Many of these, very creditably to themselves, endeavoured to improve every thing connected with their own profession and service. The consequence was, that plans for improving hulls, guns, ropes, rigging, astronomical instruments, &c. poured into the Admiralty. Many of those plans well deserved consideration, and by whom could they be considered but by the lords of the Admiralty? This with the other necessary business of the Admiralty generally gave them enough to do. The business of the navy, and consequently the business of the board of Admiralty, during peace, was greater than many members might suppose. It was necessary to enforce the due observance of treaties with other powers; to afford protection to the commerce of the country, which extended to every part of the world; and it was the business of the Admiralty to

see that while due protection was afforded to that commerce, the rights of other nations should not be injured. The hon. baronet had alluded to the visits of the civil commissioners to the outports, and inferred that, from their ignorance of sea affairs, these visits could be attended with little advantage. But supposing professional men only were to be sent to these outports, he would put a question to the House, and ask whether any of the members ever heard of two professional people agreeing in any one point? If they had, they must have been more fortunate than himself. He would appeal to his gallant friend over against him for the truth of this. Now, supposing two of the naval commissioners sent down to one of the outports, and they differed in opinion, as it was most probable they would do, it would be necessary, in that case, to send to the board of Admiralty, and thus the subject of difference would be decided away from the spot. But this inconvenience would not occur if a civil commissioner were added to the two professional men, between whom he could decide. The hon. baronet had remarked, that the board days were altered, and he inferred from this a diminution of business. The contrary of this, however, was the case, for the alteration was owing to the business having accumulated, and with a view to get through the consideration of the plans and other business which had increased on their hands, it was agreed on, that instead of the former plan, one day should be given to correspondence, and another to the consideration of the various plans and proposals submitted to them; and by resorting to this mode they found that they could get on better. With respect to himself, he could say most conscientiously, that from the day of his appointment up to the present time, he had not had any cessation from business, he had sometimes not had an hour's walk for ten days in succession. With respect to his lay colleagues, they also did their duty. He did not mean to say that they all came so early, or remained to so late an hour as himself, but he could not go on without them. He did not feel that he could take on himself the responsibility of his situation without them. He considered three sea-officers, and three civil commissioners, as absolutely necessary to constitute a proper board of Admiralty. If the numbers were different, this would give rise to the differences of opinion to which he had already alluded. In order to get on well, it was always necessary to have a decided majority one way or other. He hoped there was nothing improper in what he had said; for he trusted they would be able to show the gentlemen on the other side a decided majority on this question. Of this he was sure—that if the House were to weigh dispassionately the arguments for and against the present motion, it must be rejected by a large majority. Speaking from the experience which he had had during the twelve months he had belonged to the board, he would say he was sure that any alteration in its present constitution would be injurious to the interests of the country. The board had now remained 100 years as it was, and having lasted so long, the House ought to weigh the matter well before they attacked what had carried the country so successfully through all its dangers and difficulties. There was one thing which it might be necessary to state to the House. In time of war ships were patched up any way, and sent out to sea. But in time of peace it was the bounden duty of the Admiralty to put the fleet in the best possible condition, to be in complete readiness for any renewal of hostilities. He had lately surveyed our ships of war, and he would venture to say that our ships were in a condition at this moment in which they had never been before. The utmost pains had been taken to preserve them from that pernicious disease the dry rot; and this, he would at least venture to say, in the means of guarding against this mischief, great improvements had been made. These were points which necessarily took up much time. Besides the duty of superintending the navy, the Admiralty had others of a civil nature to perform in which the lay lords were more useful than professional men. They had the superintendence and distribution of large sums of money; and many important claims to adjust, of which he confessed he knew but little. Having said thus much, he had only to show the necessity for having three sea lords and three civil lords. Including the first lord of the Admiralty, the number of members of the board was certainly seven; but then the first lord was a cabinet minister, and having in that capacity a vast deal of business to attend to, his time was necessarily too much taken up with it to allow him to give much attendance at the Admiralty board.

And then he would put it to the House, taking the number at seven, whether they thought seven persons could go on the year through, without any of them being sick, or any of them taking any recreation? One of his colleagues was at present sick.—This was a thing for which they ought to be prepared. And there was the recommendation of the board as at present constituted, that it had remained as it was for 100 years—indeed, if he was to rely on the information he had received, it had remained so a much longer period. He had to beg pardon of the House for having taken up so much of their time. He certainly should not have risen had it not been for the observation made with respect to the Portsmouth election, but he was glad to find he had not been alluded to personally by the hon. baronet.

Sir *I. Coffin*, after bearing testimony to the assiduity with which his gallant friend who had just spoken (as well as the other naval members of the Admiralty board) discharged his duty, said, he should like to know whether a lay commissioner, who had lately retired, had ever discharged any one duty connected with his office, or signed one paper, except the receipt for his salary? Of another of the lay lords he could venture to affirm nearly the same thing. For his part, he begged never to hear of any such lords. In former times the commissioners, who were not naval men, were at least men of business. But now what was the board composed of? Some of the members were men who never knew any thing of business—young gentlemen who were seen riding in Hyde Park from morning to night. When lord Howick was at the head of the Admiralty, he was never out of it from morning to night; and his gallant friend opposite was also most assiduous in his attendance. But what was done by the lay commissioners? Did they not throw all the fatigue on the three naval lords?

Sir *G. Cockburn* had to thank the gallant admiral for his favourable opinion; but in answer to what had fallen from him respecting a noble lord, late one of the commissioners, he could assure him that that noble lord took his turn at the Admiralty, and indeed was there very constantly.

Sir *M. W. Ridley* said, that he would not have hazarded the assertion respecting the chaplains of the navy, had not the information which he received on the subject been confirmed by the most respectable authority. He had taken the utmost pains to get at the truth.

Mr. *Calcraft* said, he rose to make some answer to what he dared to say the gentlemen on the opposite side of the House thought a very important speech. It would not be doing justice to the gallant admiral, if he did not allow that this character applied to a considerable part of it; but he thought at the same time that this speech of the gallant admiral proved too much. That speech went to prove that the number of commissioners was too great in time of war. According to the gallant admiral, in time of war, the fleets were divided into ten or twelve squadrons, and all that the Admiralty board had to do then, was to correspond with the commanding officer of each squadron. But now, in time of peace, the commissioners had to correspond with eight or ten thousand officers scattered over all parts of the globe; and to examine into a great variety of plans; and all this could not possibly be got through without the assistance of the two junior lords. His speech reminded him very much of that which was made by an hon. gentleman (Mr. Croker) a year or two ago, when it was proposed to abolish the office of paymaster of widows' pensions. Then the House, for the first time, heard of the great importance of the office, and of the laborious duties which the person who filled it had to discharge; the necessity of keeping up a correspondence with sixteen hundred widows. Surely the gallant admiral would hardly seriously contend that there was as much business for the board, now that such a diminution had taken place in the number of ships, commanders, and men employed, as there was in time of war. The true defence against this motion, was that which was stated when the subject was last before the House, namely, that it was necessary to keep up the offices now proposed to be reduced, as a school of education for young persons who meant to dedicate themselves to politics, who could not be trained to business without these means. This was the true defence, and not that which the gallant admiral had set up; for it was impossible that the business of the Admiralty could bear any proportion now, to what it was during war. The way he was inclined to deal

with the proposition was this. He would say the patronage of the Crown was already too great, and whenever they could diminish that influence by diminishing the number of offices which did not aid the carrying on the business of the country, it was their duty to do so. It was the duty of the House to diminish, whenever they could, the number of useless offices, and to restrict that influence which was too great, and which was overbalancing the popular branch of this country. Would hon. gentlemen say, that with all the patronage possessed by the Crown, there was any danger in reducing these two offices, of reducing the influence of the Crown too low? That the crown should have due weight and influence, he was ready to allow; but having already more than its due share of influence, he should not be doing his duty, if he did not vote for the reduction of these two offices. With the places at present in its gift, there was no danger that the influence of the Crown could be reduced too low; while it was grating to the feelings of the people to see their opinions neglected and their interests overlooked by the persevering encouragement of unnecessary expenditure. And he would say further, that parliament and government, by holding out retrenchment to the country, and abstaining from it in a case of this sort, would only show, in the most decided manner, the insincerity of their professions. It was true, that the saving to be gained by this reduction was but insignificant in amount; but it was not the amount, but the principle that he was bound to contend for; and if the House were not determined to overlook all opportunities of retrenchment, and merely wished to talk of it, they must support the proposition of his hon. friend. Ministers were always ready to agree in general terms as to the necessity of economy; but then on all occasions when a proposition came forward, "it was not a fit time to deal with it," and so it was with respect to the proposition of his hon. friend. What had the government done in the way of retrenchment in the navy? His hon. friend had thought they had gone too far in their reductions. But what was the nature of their reductions? They had reduced the valuable, the useful, and the effective parts of the establishment; but whenever it was proposed to make any reductions that might have the effect of diminishing their own power, weight, and influence in that House, there they stopt—they would never go farther. Nothing was an object with them, but the preservation of their interest in that House. He had no doubt that much business was dispatched by the gallant admiral, who had stated that he had hardly time to take half an hour's walk in the course of the day. He had not the good fortune to be acquainted with the colleagues of the gallant admiral, but he had had the good fortune to meet some of the lay lords occasionally in his walks; and he thought he might venture to say from what he had seen of them, that there was no appearance their health was likely to be injured from want of either walking or riding. This he thought he might say without any reflection on the noble marquis, who had lately retired from office. But they were told that the noble marquis in that school of statesmen to which he belonged, had at length become extremely useful—that he had signed a great many papers, besides the receipts for his salary: and yet, after he had become so useful, he was removed for another. This was hardly dealing fairly with the noble marquis. After having been properly educated—after qualifying himself to sign papers—he was turned adrift to make way for an hon. baronet, whom, without any disparagement, he might pronounce his inferior, as he had not yet received the benefit of an Admiralty education. They took a young man into the board, and after fitting him for the discharge of the arduous duties belonging to it, they dismissed him, and took another in his place. Really this was most shameless conduct towards the noble marquis—there was no sort of apology for it. But the grounds on which ministers went were obvious enough. They wanted the support which offices of this description could give them in parliament, and this was the reason why they kept them up.—This was the sort of argument which prevailed with them, and the House would know what was due to it. For to talk of the increased business of the Admiralty was really too much.—Surely, if there were only six lords when we had 1,200 ships and 140,000 seamen, and when the whole world was against us, a smaller number of lords must be sufficient when we had only 127 vessels, and were at peace with all the world. The gallant

admiral had anticipated a large majority on the present question; but he trusted he would find that the majority would not be greater than what ministers had obtained on many important occasions in the course of the present session; and till he saw it by the vote, he could not bring himself to believe that the House would give a demonstration to the country that they had nothing more than a mouth economy.

Mr. *Graham* wished shortly to state the reasons why he should vote for the motion of his hon. friend. He agreed with his hon. friend, who had just sat down, as to the real grounds on which ministers were determined to keep up offices like those now proposed to be reduced. Anxious as he was to support every measure of practical economy, and convinced that there was no other remedy by which we could recruit our exhausted resources or impart new vigour to the state; yet he would still be cautious how he approached the ancient fabric of the constitution, or diminished the just patronage of the Crown. But it was his firm conviction, that so far from there being any danger of diminishing the just patronage of the Crown, the influence of the Crown was already overgrown. He did not wish to excite a cry out of the House, against the House, or against public men, nor would he allow himself to be guided in any part of his conduct by popular clamour. But when he considered the extended influence of the Crown, and when he considered the numerous army which was placed at the command of that Crown, when he considered the influence arising from the collection of so large a revenue, he could only come to the conclusion, that the power of the Crown was too great and ought to be diminished; and he thought therefore that every motion which like the present had for its object to reduce within proper limits the influence of the government ought to be adopted. Though the gallant admiral had endeavoured to prove that the offices in question, were indispensably necessary to discharge the bnsiness of the Admiralty, yet he must say, that he, for one, could not comprehend why the board should have more to do now, in time of peace, than when we were at war with the whole world. The hon. baronet who brought forward the present motion, had proved by figures the truth of many of his positions. In time of war, the only business which the junior lords had to discharge was, the occasional signature of their names to papers; and he really could not see how their offices could be rendered more laborious by peace. If they were to draw any inference as to the amount of business of this description from the manner in which some of these junior lords had been employed, it would rather seem that the peace had given them a considerable relaxation. He could not conceive how any honourable man, who saw how useless he must be in such an office, could bring himself, from mercenary motives, to benefit himself at the expense of the public. In point of economy, it was true, little would be gained by the proposed reduction; but at a time when the people of this country were overburthened with taxes, there was no saving, however insignificant in amount which was not of importance. But the reason why ministers wished to retain all such offices was obvious enough. By the disposal of a multitude of such offices only could a majority of votes in that House be secured by an administration that had lost the confidence of the country which wished to see these offices diminished. He wished an end to be put to this system —he wished to see a government which trusted rather to public opinion as its strength than to the power of giving away such offices. He wished to see an administration relying honestly on public opinion for its support, and not one placed by the Crown beyond the reach of public opinion and defying it. Believing, as he did, that all patronage which so tended to place an administration beyond the reach of public opinion was mischievous and ought to be diminished, whenever it could be done without its being prejudicial to the public business of the country, and without danger to the fair ascendancy of the Crown, he could not but give his vote in favour of the motion of the hon. baronet which had his full and entire concurrence.

Mr. *Cumming* said, that till he heard the speech of the gallant admiral, he was in favour of the motion: now he would vote against it, as he conceived from that speech, that the number of the commissioners was not greater than the business required.

Lord *John Russell* said, he could not help thinking that the hon. member who had just sat down, and who had declared that he would vote against the motion,

had quite misunderstood the real grounds on which the present reduction was opposed. He must say, that the grounds on which the hon. gentleman had declared he should vote against the present motion, were not only untenable in themselves, but were also totally inconsistent with those which had been already stated to the House by ministers themselves. The real grounds were what had been stated by them, and re-stated by his hon. friend, namely, that it was necessary to have certain offices of the description of those now proposed to be reduced, for the education of young men who devoted themselves to politics. It was with no little astonishment, therefore, that he heard the gallant admiral opposite urge the increased business of the Admiralty as the ground for retaining these offices. The gallant admiral had stated that applications were now made to the board of Admiralty from officers in all parts of the world—that they had submitted to them not only plans respecting improvements in the structure and management of ships, but communications even respecting the science of astronomy. If so much knowledge was necessary for the office of lay commissioner of the board of Admiralty, he would put it to the gallant admiral, whether the noble lord who lately went out of office, and another hon. gentleman who now filled the office, among their other qualifications, were able to settle these difficult and disputed points in ship-building and astronomy? But the gallant admiral did not stop here—these lay lords must in giving orders for the protection of British commerce, take special care that these orders be not inconsistent with the rights of nations—that is, they must not only possess all the sciences, but in addition be learned in the civil law—must have their Grotius and Puffendorff by heart. There was another reason urged by the gallant admiral, which might be an excellent sea reason perhaps; though perfectly incomprehensible to him. According to the gallant admiral, they could not send two professional men any where without their disagreeing. This was certainly singular, that a knowledge of any subject was sure to produce a difference of opinion among those who possessed that knowledge—but the remedy of the gallant admiral was still more singular. It was, to send to the out-ports along with the professional lords another lord, who was quite ignorant of the subject—to attach, as it were, a dead carcass to a living body—to yoke knowledge and ignorance together. It had been said by Mr. Fox, that a certain person never spoke so well on a subject as when he knew nothing about it. In like manner the gallant admiral seemed to think that to be ignorant of a subject was the best qualification for forming a proper judgment respecting it. These were singular arguments, and the grounds of the gallant admiral were, he must say, as new as they were extraordinary. He wished to make another observation. He was sorry to see from the resistance to the motion of his hon. friend that although on other subjects there appeared a disposition to concede, ministers remained wholly unchanged with respect to their opposition to retrenchment. Last session, when an inquiry into the affairs of the Bank was proposed, they resisted it as quite unnecessary—when an inquiry into the state of our criminal law was proposed, they declared that it would disturb the whole of the relations of the country; and yet they were now ready to inquire into the affairs of the Bank—they were now ready to inquire into the criminal law. But this favourable versatility was carried no further. They resisted with all their might a proposition which went to diminish their own immediate patronage. What was this but saying that they were ready to inquire into the affairs of the Bank, though they said such inquiry was unnecessary—that they were ready to inquire into the state of the criminal law, though three or four years ago they resisted every proposal of the kind, as dangerous in the highest degree; but that they would not diminish their patronage by the reduction of one useless office, because an administration which did not rest on public opinion, could not go on without such offices—that they were ready to consent to measures dangerous to the best interests of the country, but that they would consent to nothing, however useful, however necessary to the country, which in the least endangered their own places, and that their sole dependance was upon that patronage, the destruction of which was demanded by so many important national considerations.

Mr. *Long Wellesley* said, that there were certain great political principles which ought to regulate the opinions of every public man. His hon. friend opposite had appealed to one of those principles in saying that he would vote for the present mo-

tion, because the influence of the Crown was increasing. He differed from his hon. friend on this point. He was as fully impressed as any man with the necessity of economy; but he thought that there were offices, among which this was one, that gave influence and power, which were necessary in conducting the government, into whatever hands it fell; whether into the hands of his hon. friends about him, or into those of the hon. gentlemen on the other side. In maintaining such places, he did not think that the influence of the Crown was dangerously high, and he would by no means consent to diminish it. He meant no disrespect, but if he were asked to say what he thought of the conduct of the gentlemen of the opposition on this occasion, he would declare, that, looking at the question fairly and dispassionately, he could only come to this conclusion, that they really were sacrificing their public duty at the shrine of popularity.

The House divided: Ayes, 164. Noes, 245. Majority against the motion, 81.

List of the Minority.

Archdall, M.
Allan, J. H.
Althorp, lord
Anson, hon. G.
Aubrey, sir J.
Astell, Wm.
Baring, sir T.
Barnett, James
Becher W. W.
Bennet, hon. H. G.
Benyon, Benj.
Bernal, Ralph
Bernard, lord,
Birch, Jos.
Brand, hon. T.
Browne, D.
Brougham, Henry
Burroughs, sir W.
Byng, G.
Buxton, T. F.
Burton, R. C.
Bankes, H.
Bastard, E. P.
Burrell, sir C.
Calvert, C.
Calvert, N.
Carew, R. S.
Cavendish H.
Clifford, capt.
Clifton, lord
Coffin, sir I.
Colburne, N. R.
Coke, T. W.
Coke, T. W. jun.
Concannon, Lucius
Curwen, J. C.
Crompton, Sam.
Churchill, lord C. S.
Crespigny, sir W. De
Calthorpe, hon. F.
Carhampton, earl of
Denison, W.
Dickinson, W.
Douglas. hon. F. S,
Duncannon, lord
Dundas, C
Deerhurst, lord
Davenport, Davies
Ellice, Edward
Euston, earl of
Fazakerley, N.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fleming, D.
Foley, T.
Folkestone, lord.
Frankland, R.
Forbes, C.
Graham, J. R. G.
Grattan, H.
Grenfell, Pascoe
Griffiths, J. W.
Guise, sir W.
Gurney, R. H.
Gaskell, Benj.
Harcourt, John
Hamilton, lord A.
Harvey, D. W.
Hill, lord A.
Honeywood, W. P.
Hornby, E.
Howard, lord H. M.
Howorth, H.
Hughes, W. L.
Hume, Joseph
Hurst, Robert
Hutchinson, hon. C.
Holdsworth, T.
Kennedy, T. F.
Lamb, hon. W.
Lamb, hon. G.
Langton, W. G.
Latouche, John
Lemon, sir W.
Longman, G.
Lloyd, J. M.
Lyttleton, hon. W.
Lubbock, sir John
Lowndes, W. S.
Leake, W.
Maule, hon. W.
Macleod, Rodk.
Macdonald, James
Mackintosh, sir J.
Martin, J.
Milbank, Mark
Merest, J. W. D.
Mills, Geo.
Monck, sir C.
Moore, Peter
Morpeth, lord
Neville, hon. R.
Newport, sir J.
Newman, R. W.
North, Dudley
Nugent, lord
O'Callaghan, James
Ord, W.
Osborne, lord F.
Palmer, col.
Palmer, C. F.
Pares, Thomas
Parnell, W.
Pierse, H.
Philips, George
Philips, G. R.
Phillipps, C. March.
Piggott, sir A.
Power, Richard
Powlett, hon. W.
Proby, hon. capt.
Price, Robert
Pryse, Pryse
Ricardo, D.
Rancliffe, lord
Robarts, W. T.
Robarts, A.
Rowley, sir W.
Russell, lord W.
Russell, lord G. W.
Russell, lord John
Russell, R. G.
Rumbold, C. E.
Rickford, W.
Sefton, earl of
Stuart, lord James
Stanley, lord
Smyth, J. H.
Symonds, T. P.
Sebright, sir John
Sinclair, G.
Smith, Sam.
Smith, hon. H.
Smith, William
Tavistock, marq.
Taylor, C. V.
Taylor, M. A.
Thorp, alderman
Tierney, right hon. G.
Walpole, hon. G.
Waithman, alderman
Webb, Ed.
Western, C. C.
Whitbread, Wm.
Wilkins, W.
Williams, W.
Williams, Owen.
Wilson, sir R.
Wood, alderman
White, Luke
Wright, J. A.
Wilberforce, W.
Webster, sir G.

TELLERS.

Calcraft, John
Ridley, sir M. W.

PAIRED OFF.

Shelly, sir J.
Maitland, Mr.

HOUSE OF COMMONS.

Friday, March 19.

EXCISE PROSECUTIONS.—PETITION OF WILLIAM WEAVER.] Mr. Alderman *Waithman* presented a petition from William Weaver, complaining of his imprisonment under a prosecution by the commissioners of excise. The worthy alderman expressed his sorrow that the attorney-general had not acceded to the motion which had been made for an inquiry into Exchequer processes; and gave notice that he should himself bring forward some motion upon the expenses incurred in the

conducting of such processes.—The petition was then read, setting forth,

"That the petitioner is a prisoner confined in the debtors' prison for London and Middlesex, and has been since the 2nd of December last, under prosecution of the commissioners of excise for alleged penalties to the amount of 44,450*l.* upon information that he had been guilty of selling three chests of Spanish juice at the value of about 36*l.*, to a brewer, contrary to the laws of his majesty's excise; that the petitioner most humbly begs leave, in support of his claim to the attention of the House, to state, that he has never, to his knowledge, committed any breach of his majesty's excise laws, according to the just and equitable construction by which those laws were intended and are professed to be administered, but that he has been most cruelly, and (he humbly submits it to the House) most unlawfully prosecuted, without any consideration of the total ruin and destruction of his business and family, in consequence, and upon the oath and information of a common informer, to whom the petitioner has publicly, in the regular course of his trade, sold an unexciseable article; that the petitioner humbly states to the House, that he has carried on the business of a grocer in Charles-street and Cable-street, Saint George's, for upwards of ten years past, and dealt in the article of Spanish juice; that in the year 1815 the petitioner sold to messieurs Stewart and Ward, of Old Gravel lane, bottled porter dealers (one of whom is the informer in this case), four chests of Spanish juice, of the value of 40*l.*, which were at that time seized by the officers of excise in their possession, under some pretence of which the petitioner is uninformed, but, on application, and the report of the surveyor general of excise, were afterwards restored, and consequently the petitioner did not consider himself, as a tradesman, required to doubt the propriety or legality of his selling that article to the said persons; that the petitioner, in the month of February, 1816, sold to the said Ward three other chests of Spanish juice, at the regular credit in the trade, two months, at the expiration of which the petitioner became pressing for payment thereof, and was then informed by the said Ward, that a Mr. Gray, of West Ham, owed him a considerable sum of money, and if the petitioner would accompany him to the counting-house of Mr. Gray, he would then pay him his demand, to which the petitioner consented; that, in the space of about twelve months afterwards, the petitioner was served with Exchequer process, at the prosecution of the excise, grounded upon the oath and information of the before-named Ward (who proved to be a common informer), for penalties to the amount of 44,450*l.*, or thereabouts; but, upon investigation and trial, the only circumstance in proof against the petitioner was, that he had received payment for the aforesaid three chests of Spanish juice of Ward in the counting-house of Mr. Gray, who is a brewer at West Ham; whereupon, before the case went to the jury, the petitioner was induced, by the urgent advice of his friends, to agree to a compromise of 200*l.*; and, in consequence of his appeal to the attorney-general, stating his total inability to pay the said amount, he was pleased to state to the petitioner that the most favourable consideration of his case would hereafter be observed; and the petitioner humbly trusted that, under the circumstances of his case, his majesty's government would not have proceeded to enforce the said penalty; that the petitioner farther showeth to the House, that his property and effects were suddenly, and without any farther previous notice or demand, seized in execution, and sold by auction at the suit of the Crown for this penalty, which produced the sum of 81*l.*; and that a part of the property so sold, namely, the fixtures and household furniture, were purchased by the petitioner's landlord, who compassionately lent the same for the use of the petitioner's family, who was thereby enabled, and by the help of other friends, to continue to carry on a small trade, towards the support of his numerous family, consisting of a wife and seven children; but in a short time afterwards, and without any farther notice or demand on the petitioner, the execution was again levied upon his premises, and the same fixtures and furniture which had been purchased by the landlord under the former sale (and remained his property), but humanely left on the premises for the petitioner's use, together with such small stock of goods as his credit had enabled him to possess, were again, in despite of petition and remonstrance, sold by auction for 52*l.* besides 13*l.* 1*s.* in money, which was taken out of the petitioner's cash-box by one Fitchew, the officer of excise, still leaving 53*l.* 19*s.* unsatisfied, by which the petitioner's wife and family became desti-

tute of house or home, except for the mercy of the surrounding neighbours, and himself was at the same time inhumanly dragged to that prison at the same suit, and now remains charged in execution for the before-mentioned penalty of 44,450*l.*, or thereabouts; that, previous to the last sale of the property found on the petitioner's premises, an offer was made on his behalf of 40*l.* to the board of treasury in lieu thereof, and to prevent the farther disastrous consequences of another sale under such circumstances; this offer was refused, and a demand made of 60*l.*, which the petitioner not being able to comply with, the sale immediately took place; that, in answer to the petitioner's numerous applications and entreaties for mercy, and to be restored to his destitute family, he is informed, through the medium of Mr. Carr, the solicitor to the excise, that the matter is left to the discretion of one Fitchew, who managed the execution, and took from the petitioner all the money he possessed, and that on the petitioner's acceding to his terms he may be released from imprisonment; the petitioner therefore most humbly prays the House, that he may be at liberty to prove the statements of his petition, in such manner as the House may in its wisdom be pleased to order; and, with the conviction that the House will fully appreciate his unfortunate situation, he humbly submits the premises to the consideration of the House, to adopt such measures as to their wisdom may seem meet."

The Petition was ordered to lie on the table; after which, Mr. Alderman Waithman gave notice of his motion for Tuesday next.

Coal Duties.] Several petitions respecting the proposed alteration in the Coal Duties having been presented,

Lord *Folkestone* observed, that such a ferment had been excited throughout the country, in consequence of an expected alteration in the coal-duties, that it had become the duty of ministers to declare their intentions on the subject openly and specifically, in order to allay the anxiety which had been created.

The *Chancellor of the Exchequer* said, that he had expressed himself as explicitly as he could upon this subject on a former occasion. He would, however, repeat what he had then said, in order that no future mistake might arise. He thought that it would be neither expedient, nor wise, nor beneficial in any point of view whatsoever, to make any alteration in the present duties.

Royal Household Bill.] On the motion of lord Castlereagh, the order for the further consideration of the report upon the Royal Household Bill was read. The amendments were agreed to, and on the motion that the bill be engrossed,

Lord *Folkestone* rose, he said, not to animadvert upon any of the amendments which had just been adopted, but to take that opportunity of stating his opinion upon the clause in the bill, which related to the grant of 10,000*l.* a year to the duke of York. It was impossible, according to his impression, consistently to accede to this clause in the terms in which it stood at present; for this clause assumed that the same sum was allowed to her late majesty as a remuneration for the expenses to which she was liable, on her appointment to the care of the king's person, and that therefore the duke of York was entitled to the same allowance upon undertaking the same appointment. This assumption the noble lord maintained to be quite a fallacy, as must be evident to any one who would take the trouble of reading the last act upon this subject, or who recollected the debates on its progress through parliament. For the grant of 10,000*l.* a year to her majesty, was not made in consequence of any expense which she incurred through her care of the king's person, but to defray the expense of travelling, to which she became liable, and for occasionally keeping a court at Buckingham-house, such expense having been liquidated from the funds of his majesty previous to his indisposition. That was the ground upon which the grant was made, as he distinctly recollected, and what he had lately read of the observations of Mr. Perceval on the discussion of the act to which he had referred, was confirmatory of his recollection upon the subject. Hence he concluded that the annuity of 10,000*l.* was not made to the queen for the care of the king's person, as had been lately assumed; consequently to state that this sum should be granted to the duke of York, upon the same ground that it was allowed to her majesty, implied a direct falsehood. He was therefore decidedly of opinion that such a clause ought not to be acceded to in the terms in which it stood at present. It

would indeed be unbecoming the character of the House to adopt such a clause, because it was inconsistent with the truth. Upon what ground, then, could this grant be justified? It could not be pretended that the duke of York, through his appointment of *custos regis*, would have to incur more expense than that of paying for four horses to travel once a week to Windsor; and would it be maintained that the sum of 10,000*l.* a year was necessary for such a purpose? [Hear! hear!] With respect to the argument, that a son should receive 10,000*l.* a year for taking care of a father, in the melancholy situation of the king, he could not help thinking it quite disgraceful to those who condescended to use it.—He had now to state that in which probably but few would agree with him. He was not of opinion that the duke of York was a proper person, much less, as had been alleged, the most proper person that could be chosen, for the care of the king's person; for, under the unfortunate circumstances in which his majesty was placed, the person appointed to such an office ought to be constantly resident at Windsor. But he remembered that this was an argument used by ministers, on the discussion of the last act for committing the care of his majesty's person to the queen, and that circumstance was universally deemed an additional reason for her majesty's appointment. On this ground then, he contended, that the care of his majesty's person should rather be confided to some one who might reside at Windsor, which the duke of York could not possibly do, from the nature of his official engagements in town. But there were two of the princesses continually resident in the immediate vicinity of Windsor, and for that reason he should prefer the appointment of their royal highnesses for the care of his majesty's person. With that arrangement, it might be proper to appoint the duke of York as head of the council; but whether his royal highness were appointed head of the council or *custos regis*, it could never be patiently argued that he was entitled to an allowance of 10,000*l.* a year to liquidate any expenses which he might be really called upon to incur. At all events, he felt that the House should not adopt a clause which contained a palpable falsehood, and upon that ground he should move that this clause be expunged.

The *Speaker* stated, that the question to be put was, "That the said clause stand part of the bill."

The hon. Mr. *Lyttelton* observed, that the reception which the remarks of his noble friend had met with, and the little attention which ministers seemed disposed to show them, held out but a slendere ncouragement to him to address the House upon this occasion. But still he felt it his duty to say, that if the grant alluded to was made, it would be quite scandalous to vote that grant upon false pretences. To the grant itself he had strong objections, but he urged those objections with great pain, for although the case was stated to relate merely to the grant of a certain allowance to a public officer, it was still, in many respects a personal question, and upon such a question, every man must feel it painful to state an objection, especially where a member of the royal family was adverted to. But it was among the serious faults of the present administration, to make the members of the royal family the subject of discussion in that House, as well as out of doors, with respect to pecuniary questions. The conduct of those ministers during the last session, could not soon be forgotten, when they pressed such propositions as served to render that House popular, by opposing pecuniary grants to several members of the royal family, and such conduct could not easily be forgiven by the real friends of that illustrious family. But the duke of York, who was spared on that occasion, and whose character stood high in the country, notwithstanding a certain event, to which he did not mean particularly to advert, was in the present instance dragged forward by those ministers in a most exceptionable manner; for what could be more exceptionable than to propose a pecuniary grant to his royal highness upon false pretences. But nothing was more remarkable than the sophistries adduced in support of this grant. It was argued that it was essential to the maintenance of the dignity of the duke of York to annex 10,000*l.* a year to the office which he had undertaken; but, in the view of every unbiassed man in the country, it would be much more consistent with the maintenance of the dignity of his royal highness to accept that office without any salary whatever. But it was alleged that the grant under consideration was necessary to defray the expense incident to the performance of an important public duty. Where, however,

he would ask, was the proof of that necessity? The fact was, that the duke of York would have comparatively no expense to incur through the office alluded to. His royal highness was therefore, by this clause, to receive 10,000*l.* a year for nothing. Yet it was seriously maintained by some gentlemen, that his royal highness was justly entitled to this grant in the way of remuneration. This, however, was not the real ground for pressing that grant. It was understood that the duke of York was greatly embarrassed in his circumstances. He believed that such was really the fact; and with all the respect and regard which he entertained for his royal highness, he, in the performance of his public duty, felt himself bound to declare, that this grant was really proposed with a view to relieve those embarrassments. Nothwithstanding the manner in which the ostensible motive was urged, such, he was persuaded, was the true reason for this proposition. The embarrassments to which he referred were not, however, he believed, at all likely to be removed by the amount of this grant, while the expenditure which occasioned those embarrassments was still going on. He would ask the minister, indeed, whether he himself did not calculate upon the probability of being called upon to apply to that House for an advance of the public money to discharge the private debts of the duke of York; and, if so, with what grace could such an application be made, should this grant be voted? But this grant was, it appeared, to be made unconditionally; whereas, if an application were at once made to the House for an advance to pay the duke of York's private debts, such a proposition was not likely to be acceded to without some conditional arrangement, calculated to produce a reduction of the expense which called for the application, and thus to guard against the necessity of its repetition at any future period. Here, however, there was no idea of any such arrangement, and that formed another objection to the proposed grant. How lamentable, then, was the counsel under which this pecuniary measure was brought forward, referring, as it did, to the heir presumptive to the Crown, whose personal honour and public character should be peculiarly guarded. He did not mean to dwell upon the various resources of the duke of York, but those resources were notorious to the country, and especially his royal highness's enjoyment of the emoluments of an office which heretofore had very rarely existed in time of peace. There was another point to which he felt it necessary to advert particularly as the question before the House was connected with a pecuniary grant to the heir presumptive to the Crown. According to the doctrine recently maintained in that House, the privy purse of his majesty was a sacred fund, which ought not to be touched by parliament—which ought not to be available for any public service—which should, of course, be allowed to accumulate. Upon whom then, he would ask, was the surplus of that fund to devolve, but upon the duke of York or the Prince Regent? Was not this a consideration which should restrain ministers from pressing such a charge upon the public purse as that under discussion? But, to revert to the sophistries brought forward in support of this grant. Among others, the propriety of consulting the feelings of the king had been much dwelt upon, although it was obvious that his majesty's feelings had no concern whatever with the transaction. Yet upon this point a right hon. gentleman (Mr. Peel) had thought proper to quote the preamble of an old act of parliament, on which the right hon. gentleman descanted with great emphasis and elaborate eloquence. But, however, acceptable such eloquence might be at court or elsewhere, it could scarcely be supposed that it would have any weight in that House, or among impartial and dispassionate men any where. Still, a young hopeful statesman, who thought proper to discard the just claims of four or five millions of Catholics, perhaps because they were "mere Irish," conciliating thereby the favour of some English noblemen and gentlemen of high extraction, might deem it expedient to use such eloquence. But, with that House he trusted that no such eloquence would ever have weight. It was impossible, indeed, that eloquence of that character should ever have any such effect, if that House duly consulted the sentiments and feelings of the country. He hoped the House would reconsider what had been done, and regulate this grant to the duke of York; for if it was to be granted at all, it certainly ought not be granted in the manner proposed.

Mr. *Protheroe* said, he had always felt great respect for the personal character of the duke of York; but he had felt as he had before expressed, that in a discus-

sion of this kind the influence of his name and family had not been used with the utmost delicacy; it was a fair inference that ministers had impressed the mind of his royal highness with sentiments not congenial to it. He regretted that so painful a subject had been brought under discussion, and was convinced that it would have done much greater honour to ministers, if they had come down to the House with a statement, that, under existing circumstances, his royal highness, however just his claim, could not think of adding a new weight to the burdens of the people.

The question being put, "That the said Clause stand part of the Bill," the House divided: Ayes, 156; Noes 97.

List of the Minority.

Althorp, lord	Lamb, hon .G.
Anson, hon. Geo.	Lamb, hon. W.
Baring, Alex.	Lloyd, J. M.
Barnett, James	Maule, hon. W.
Benyon, Benj.	Martin, J.
Bernal, Ralph	Maxwell, John
Birch, Joseph	Milbank, Mark
Brand, hon. T.	Merest, J. W. D.
Brougham, H.	Monck, sir C.
Burdett, sir F.	Milton, lord
Bankes, H.	Newport, sir J.
Calcraft, John	North, Dudley
Clifford, capt.	Newman, W. R.
Clifton, lord	Onslow, A.
Coffin, sir I.	Ord, Wm.
Colborne, N. R.	Parnell, W.
Colclough, C.	Philips, G. R.
Coke, T.	Phillipps, C. M.
Curwen, J. C.	Powlett, hon. Wm.
Crompton, Saml.	Price, R.
Crawley, Saml.	Pryse, P.
Carhampton, earl of	Protheroe, Ed.
Davies, T. H.	Ricardo, D.
Dickinson, Wm.	Ramsden, J. C.
Dundas, hon. L.	Rancliffe, lord
Dundas, Thos.	Rickford, W.
Duncannon, lord	Ridley, sir M. W.
Ellice, Edward	Robarts, A.
Fane, John	Robarts, W. T.
Fazakerley, Nic.	Rowley, sir W.
Finlay, Kirkman	Russell, lord, John.
Fleming, John	Smyth, J. H.
Graham, J. R. G.	Smith, hon. R.
Grenfell, Pascoe	Smith, George
Griffith, J. W.	Stanley, lord
Guise, sir W.	Sefton, earl of
Hamilton, lord A.	Tavistock, marq.
Harvey, D. W.	Taylor, M. A.
Honywood, W. P.	Taylor, C. V.
Hornby, Ed.	Tremayne, J. H.
Hughes, W. L.	Thorp, alderman
Hume, Jos.	Tierney, right hon. G.
Hutchinson, hon. C.	Waithman, alderman
Houldsworth, T.	Whitbread, Wm.
Heygate, alderman	Webb, Ed.
Wilkins, W.	Wilberforce, Wm.
Wood, alderman	White, Luke
Wilson, Thos.	TELLERS.
Wilson, sir Robert	Folkestone, viscount
Wynn, C. W.	Lyttelton, hon. W.

Mr. *Wynn* suggested, that there was a verbal inaccuracy in the preamble which ought to be corrected. The 10,000*l.* per annum was not granted for the care of the king's person, and it ought not to be so expressed.

Lord *Castlereagh* thought the words employed unexceptionable: the same terms could not be applied to the queen and the duke of York; and if they were more general in the present instance, they were on that very account less liable to objection.

The bill was ordered to be read a third time on Monday.

Game Laws Amendment Bill.] On the order of the day for the second reading of this bill,

A Member, whose name we could not learn, contended, that the measure was much more likely to increase than remedy the evils at present existing. It would encourage poaching, the first step to crime and the first entrance into bad company. The scheme of making it lawful for the tenant of the soil to sell game, and thereby drive the poacher out of the market, was visionary. The price of game would be raised, and the inducements to poaching of course would be augmented. He did not mean to assert that the system now established was perfect; on the contrary it had many defects, but not one of them would be remedied by the bill upon the table.

Sir *John Shelly* hoped, the House in this instance would legislate practically, not theoretically. The present bill was of the latter description, and the practice of legislating on theoretical principles for practical purposes, he totally disapproved of. From the most mature deliberation, he found himself imperatively called upon to oppose the bill. Although all the eloquence might be on the other side, yet he flattered himself that all the argument would be found on his side. The bill professed to detect and prevent poachers; in his opinion, it would tend to increase, rather than diminish them. The poacher would find a new stimulus to his nefarious pursuits, by the provisions of this bill, and whenever he got possession of game, he would

know much easier how to get rid of it. To protect game by the provisions of this bill would be found in many instances impossible. As to any facilities in convicting offenders, it might be very easy in small covers to take poachers in the act; but in large woodlands, for instance, where often 500 acres and upwards in extent, it would be almost impossible to take them: the only method to be pursued would be either to take the game found on the poacher's person or in the carts of the country higglers, the persons who were generally employed by them. As to the principle of the reward, the offer was *5l.* to those who were fortunate enough to take a poacher, who was to pay either that penalty, or submit to three months imprisonment. Now, to his own certain knowledge, for the last five years, it had been found impossible to recover the *5l.* in most cases, so that the extension of that sum was no great object. He was himself as fond of country society and country sports as any one in that House; and he should be very sorry to find, on any occasion, that he could not entertain his friends with game; but even a circumstance of that nature should not induce him to support the present bill. He should therefore move, "That it be read a second time that day six months."

Sir *John Stewart* seconded this motion, and condemned the principle and tendency of the bill.

Mr. *Wilberforce* observed, that though no sportsman, he was as much alive as any man in that House, to the importance of keeping, by every possible inducement, the country gentlemen resident on their estates. He felt fully the value of such a custom, when he reflected on the exercise of those qualities which that class, the pride and honour of the kingdom were so conspicuous in cultivating, and to which might mainly be attributed the peculiar character this country had acquired. When he felt that result thus strongly, it could not be supposed that he would yield his support to any measure which tended to diminish so laudable an influence. But from the best views that he was enabled to give the proposed bill, combined with the opinions of others, on whose authority he could rely, he was persuaded that its effect would be to increase, not to diminish the quantity of game; while, on the other hand, it would produce amongst the population a growing indisposition to commit violations of the law. Even now, when the existing game laws, so opposite to every principle of personal liberty, so contrary to all our notions of private right, so injurious, so arbitrary in their operation, that the sense of the greater part of mankind was in determined hostility to them; even now, when these were in full force, a system of poaching prevailed to a greater extent than ever. But in his mind an object of far more vital importance arose out of this subject than those which concerned a love of gain, namely, a question of human punishments. They had good reason to believe, that by poachers, the greater part of the criminals who swelled the calenders of our country assizes were led into those shameful and dishonest practices, which ultimately brought them to the gallows. Such numbers came to an untimely end by poaching practices, they presented such a mass of criminality, and such a body of crime, as the House ought not to allow to continue. But as the hon. gentleman had contended, that yet greater facilities would be afforded to poaching, if people were allowed to have game in their possession without becoming liable to a penalty, he wished to ask him whether a clause to this effect might not be introduced, without injuring the principle of his bill, namely, that no person should be allowed to sell game who had not a licence for that purpose, such licence to be granted by the magistrates? He thought it would then become that person's interest, not to connect himself in any way with poachers: he would have a business to keep, and a character to preserve. There was now no such person; no one whose interest was in hostility to that of theirs; but if this system of licensing were to be pursued, there would be those persons whose business as it were, it would be to search for those who were themselves poachers, or who sold the game they procured. He presumed that nothing could be imagined more unlikely than that these two descriptions of persons should enter into any thing like a combination to sell game. While this subject had been pending, he had make it his business to make very minute inquiries relative to it, among the dealers in game; and the House could have but a faint idea of the immense amount of that traffic: when it considered that it was a luxury sought after not merely by the higher, but also very generally by the lower classes of life, it would readily ima-

gine that its consumption must be immense. He could assure them, that many London dealers received sacks of game to the value of 100*l.* per week; a quantity so enormous, that he could not help considering the consumers in some sort accessory to the crime of poaching. Some remedy surely, ought to be applied to this growing evil; yet he could not help remarking, that of all the honourable members who had spoken before him, and among all the arguments they had made use of, not one had professed, that he himself believed it possible to correct the habits of society. An hon. gentleman on the bench above him had said, that the country gentleman ought as much to enjoy the advantages he possessed, as the monied man, who enjoyed his advantages at a cheaper rate also; and he had entered into a comparison of their relative situations. He thought, however, that nothing could have been more unfortunately put; for in point of fact, the country gentleman possessed a luxury which the other did not enjoy. The former, he was sure, would think it a great boon if he could people his neighbourhood with an honest peasantry; and be most grateful for the passing of this bill, or of any other measure that would tend to remedy the many evils which constituted a sort of system of poaching. He was well aware that, should they adopt the insertion he had recommended, they would be thought to have acted contrary to their own interests, and greatly to their prejudice: this was the very reason why he wished it should be introduced; for the present was one of those questions which they might possibly be considered to entertain with interested views only. Thus much was certain—that as the present game laws now stood, all the purchasers of game were the absolute encouragers of vice.

Lord *Clive* said, that the objects of the present bill appeared to him to be two; the one to prevent poaching, and the other to secure the proprietors of estates. It was found, that the present game laws, strict as they were, could not preserve game. Now the present bill would take away all restriction whatever; and he never yet found that to take away a security tended to preserve a thing. As to the recommendation of granting licences, he could not see what good they would effect. Licenses were granted to various persons to sell tea, tobacco, or spirits, yet it had not been found that those licences were sufficient to prevent smugglers from running their goods upon the coast, in defiance of them: so neither would licences prevent the poacher from trespassing, or the farmer from selling game. Seeing nothing in the bill to induce him to support it, but a great deal to induce him to be hostile to it, he should certainly vote against the second reading.

Mr. *Long Wellesley* said, that, fond as he was of the sports of the field, he could not give his assent to the continuance of a system of laws vicious and tyrannical in principle, and which, in point of fact, could seldom or ever be put in execution. As a proof of this, it had been already stated, that the sale of game was carried on to an immense extent, in defiance of laws the most unjust and most odious to the public, ever passed. The legislature had certainly enacted some statutes on this head, contrary to the general spirit of our law, and to all our notions of liberty and equity. The act which was passed last session had excited throughout the country the greatest disgust; so much so, that no magistrate had ever put it in force, without the strongest feelings of reluctance and aversion. The recommendation of the hon. member he could by no means assent to. It would certainly be very curious to find parliament legalizing the sale of that which it had been for so many years endeavouring to prevent.

Mr. *Coke* of Norfolk, said, he had always looked upon these laws as most odious ones. He was an old member of that House, and he remembered, about six and thirty years ago, that a bill was introduced, which gave to keepers and others a right to take up persons found walking about the grounds of their employers; which bill was afterwards withdrawn, on a prosecution having been commenced, by virtue of its enactments, against an individual, who took the opinion of the three most distinguished lawyers of their time upon the subject: they gave it as their opinion that game was, legally, private property: upon which the act was withdrawn. Those lawyers were lord Kenyon, Mr. Dunning, and Mr. Lee. He should hope that the framers of this bill, in bringing it in, had not merely the preservation of game in view, but the good of their country. As to the mere preservation of game, he thought an attention to farming, agriculture, or any other useful amusement or rational pursuit, infinitely more

||

laudable. He was of opinion that every man had an inherent right to that which was on his property; nor could he think that he was sent to that House to legislate on one man's property to the detriment of another. It appeared to him, that a man with a single acre of land, had just as clear and natural a right to that which was on it, as he himself had to what was on his own. Why, then, should not he have also an equal power to destroy what was on his possessions, as the wealthy owner of preserves had to destroy what was on his? He had heard a great deal said by the gentlemen who owned preserves, about their interest and amusement; but for himself, he was not sent there to consider merely his own amusement and interest; if so, he should most likely have gone to the other side of the House, as he might have found his interest possibly in sitting there. He had to look to other and to more important interests; to the protection of those whom he represented, from the operation of laws which were arbitrary, cruel and tyrannical, laws which were not to be endured. It was only at the close of the last shooting season in Norfolk, that a poor old woman in crossing a gentleman's plantation, was cruelly shot and desperately mangled. Her screams at length brought the keeper up to her; and all the consolation he offered was, to tell her, that she had only got a little wounded in the leg, whereas had she gone further up the plantation, she would certainly have been shot through the body and killed. Application was then made to the magistrate: and who did the magistrate prove to be? Why, the owner of the soil! The House would ask, what relief he extended to her? He gave her an order on the parish for the weekly payment of one shilling! He would again ask, were such things to be endured in a civilized and christian country? Conceiving that the bill would not only tend to preserve the game, but that it would have a more extensive and beneficial operation, he should give it his decided support.

Mr. *Bankes* adverting to the circumstance mentioned by the hon. member for Norfolk, observed that the injury sustained by the poor woman was the result not of the game laws, but of the wanton, or it might be accidental, act of the gamekeeper. What was there in the bill before the House which would prevent the recurrence of a similar event? He contended that the provisions of the bill were of a nature so heterogeneous, that he had scarcely ever seen so much contradictory matter amalgamated into four or five sheets of paper. If it were said, that the game laws were injurious and productive of vice and misery, let them be abolished. He did not advise such a proceeding; but such a proceeding would at least be a consistent one. But, with the large words, humanity and justice, and the liberty of the subject, to propose a bill which still more strongly affirmed the principles by which humanity and justice, and the liberty of the subject were said to be violated, was, indeed a most singular proceeding. The most severe laws in the statute book for the preservation of game were strictly preserved in the bill before the House, and yet the preamble of the bill called those laws unjust. Was this wise? Was the accusation true? "Unjust," that meant, to deprive a man of what was his due. Was it the due of every man to be allowed to kill partridges and other game? That might be called a natural right; but civil law in every society had superseded natural right. "But," said the supporters of the bill, "call the game private property, and that will be satisfactory to all." What! would the poacher be satisfied at being punished more heavily than before, because that which he took was called by the new name of property? But what did the bill in the way of making game the property of the person on whose land it was? If a poor man had a right to the game on his land, he had a right to kill that game. But a poor man might be no sportsman. He might be blind and not able to shoot; or if he shot, he might shoot so unskilfully that the game would fly over into his rich neighbour's estate. A little experience of this kind of failure would induce him to exchange his gunpowder for dexterity; his fowling piece for wires and nets. But then would the House believe that all those odious parts of the game laws, which applied punishment of the severest kind to the use of snares, were left untouched? Such a bill did not appear to him to be fit to lie on the table. The hon. gentleman repeated what he stated on a former evening, of the great importance of attaching gentlemen to their country residences, and of the danger of doing any thing likely to disgust them. Perfectly agreeing in all that had been said by his hon. friend behind him, of the destructive nature of the prac-

tice of poaching, and of the various crimes of which it was the fruitful parent, he maintained that the bill before the House was calculated to increase that evil, and to create a dozen poachers, where only one now existed. Poachers would become so numerous, that they would be extinct only with the extinction of the game itself; and then, although the vice of poaching would be got rid of, the taint would remain: the persons who had been employed in that practice would be let loose on property in general, and their evil habits would burst forth into acts of a more atrocious character even than those to which they had hitherto been accustomed. He was inclined to think that this crime was rather diminishing than increasing at present; as was also, he believed, the practice of selling game. Indeed, he did not think they could correct the sale of game. As to this bill, it made no sort of provision for it whatever; but, on the contrary, it put game and the power of buying and selling game, into every man's hands.

Colonel *Wood* observed, that the hon. member for Corfe Castle had entirely misunderstood the nature of the accident which was described by the hon. member for Norfolk, as having happened to a woman in some cover or other. That woman had not been shot by a game-keeper, but by a spring-gun. [Mr. Coke observed, that he had certainly stated, that the woman had been shot by a game-keeper.] Colonel Wood apologized for his error. The bill before the House would, however, prevent even such accidents; for if game were made private property, that petty warfare between the higher and the lower orders, between the game-keeper and the poacher, would be at an end, and the ferocious practice of shooting, whether by spring-guns or otherwise, would be checked. Gentlemen set no spring-guns to protect their turnips or their poultry. He denied that the bill would increase the number of poachers, by assuring them of a market; for no man went out at present to poach, before he was assured of a market for the game he took; otherwise it would spoil before he could sell it. He believed that if the bill passed, although there would still be stealers of game, as well as there were now stealers of poultry, yet that the majority of those who dealt in game would be honest dealers. When a measure was sometime ago in the House on the subject, the poulterers of London, a very respectable body of men, told him that if they could obtain game for their customers through a legal channel, they would never have any thing to do with poachers. And if the present bill were to pass into a law, why should they? Did they now buy stolen chickens? Did butchers buy stolen sheep? The greater part of the arguments against the bill were directed, not against its principle, but against its provisions, and ought therefore to be postponed until it was committed. The question now for the House to determine was, whether the game laws should be allowed to exist in their present state? As to all that had been said of the danger to which great game preserves would be rendered liable, he begged to know whence the metropolis of London was at present supplied with game, if not from these preserves? Was it not notorious that, night after night, the mails were laden with the game of which those preserves were plundered? There was one argument urged against the bill, which, if valid, ought to have great weight. It was said, that the bill, by aiding in the destruction of game, would tend to induce gentlemen not to reside on their estates. He thought it would not have the effect of destroying game. And it ought to be recollected how comparatively few were the districts in which game was now found, and yet how general was the residence of country gentlemen. Besides, there were other field amusements much better than shooting. For instance, hunting; fox hunting in particular. And yet he believed that the preservers of pheasants were often the poisoners of foxes. One fox, too, amused hundreds of gentlemen, while hundreds of pheasants amused only one gentleman. The old-fashioned practice of gentlemen going out for a whole day to shoot in the country, was, he understood, becoming obsolete; and that the existing usage was for a gentleman who had got together in a neighbouring wood as many pheasants as he had barn-door fowls (and nearly as tame too), to turn into the wood with a dozen friends with guns, and a dozen clowns with poles, and then quietly to let fly at the alarmed birds, and to fancy himself shooting. In France, the mode of hunting was similar. The peasants surrounded a wood, and drove out the game, which the gentlemen standing in a row killed as it passed. This was, however, as different from English hunting as French

gentlemen were from English gentlemen. He should certainly give the bill his cordial support.

Mr. *Frankland Lewis* conceiving the system of the game laws objectionable in the highest degree, thought that when a measure to supersede that system was brought before the House, it was their duty to give it a fair consideration. The bill was called a bill for the amendment of the laws for the preservation of game; but it might fairly be called a bill for the better protection of game, and for the prevention of poaching. It had been said, that the bill was full of absurd contradictions; that among other things, it first declared that game was the property of certain persons, and then allowed those persons to remain subject to penalties for using that property. Was it absurd to say, that those who had the land should have a right to the game on it in preference to all others? Was it subversive of the right of property to say, that that property should be put under regulation? Were not fisheries put under regulation? Were not the proprietors of fisheries limited to fish only in particular seasons? And was it not well known, that by means of these regulations fish continued to be preserved notwithstanding the open sale of it in the markets by those who had the property of it? He wished to see game preserved, and better laws for that purpose than those which existed at present; by giving an interest in the game to those who had the greatest power of preserving it. Was not this object more likely to be accomplished than by the existing laws? With respect to the comments of the hon. gentleman on the floor, on what had fallen from the hon. mover of the bill as to natural rights, they were altogether founded in misconception. God forbid that any person should insist on natural rights in a state of society! As well might it be said that every man had a natural right to the land of a country, as that certain persons had a natural right to the game on that land. But did it follow that, because you made game the property of the person on whose land it was, you therefore said he had a natural right to it? Property of various kinds was put under restrictions in this country. It was necessary, for instance, to have a license to deal in horses. For the sake of the morals of the people, public-houses were put under restriction. But it was contended by the hon. gentleman, that licenses did not prevent smuggling—as notwithstanding the licensing of tea-dealers and spirit-dealers, smuggling still went on. But it was not the licensing the dealing in those articles which created the smuggling, but the amount of duty on them. They wished to distinguish between an honest mode of selling game and a dishonest mode. He would say, continue the severe laws against those who steal game, but not against those who sell the game which they come honestly by. It was not right to punish those things which were not crimes in nature. There was no person acquainted with the game laws who would not agree, that the present system of qualification was extremely absurd. He had no hesitation in saying, that the bill as it now stood was not drawn up as he thought it ought to be drawn up. He thought the qualification ought to be of the nature of a license. What the amount of that qualification should be, would be a fair subject for after consideration. The selling of game ought in like manner to be subjected to a license. Persons who had game in their possession ought to be bound to show that they came honestly by it; and it ought to be made penal, tremendously penal, to sell game dishonestly come by.

Mr. *Cripps* said, he had heard objections made to several of the clauses, but there were none of them that might not, in his opinion, be got over, and, therefore, he should vote for the second reading of the bill. It was due to the hon. gentleman who introduced it, and to the committee who came to the resolution on which the bill was founded, to suffer it to proceed, and to see, whether, in its progress, they could not remove the objectionable parts. With respect to the objections of the hon. gentleman on the floor (Mr. Bankes), they did not strike him in the same point of view they did the hon. gentleman. He was not sorry to see those provisions retained to which the hon. gentleman urged his strongest objections. One of his observations was, however, correct. He had stated, that the number of criminals imprisoned foroffences against the game laws at present were less than they used to be. This he believed was the fact; but the circumstance was owing to a bill introduced into that House by a near relative of the hon. gentleman. In one clause of that bill there was a very great omission. Every person, purchasing game, was, by that clause, subject to a

penalty of 5*l.* to be levied on his goods and chattels—but, if he had no goods and chattels, no punishment followed. If this was a mere omission, it ought to be rectified; if it was intentional, it certainly defeated the object which the clause appeared to have in view.

Mr. *Brand* said, he could not recollect that a single argument of any force had been adduced against the bill. The market, it was observed, could be as easily supplied with stolen game as with stolen turnips. But the market was not supplied with stolen turnips, *ergo* it would not be supplied with stolen game. It was also stated, as a proof that the present bill must fail, that all previous enactments had failed in preventing depredations on rabbit-warrens. He could have stated, *à priori*, to the hon. member who made the observation, that no law could possibly prevent that species of offence, when persons possessing property in the neighbourhood of such warrens were absolutely interested in the destruction of those animals. Of this he was well convinced, that no legislative enactment, however severe, could prevent the supply of game to the metropolis. It was therefore, the duty of legislative wisdom to devise some means by which a regular supply of game might be afforded, without encouraging vice, or immorality. He had followed a resolution of the last parliament, which declared "that game ought to be the property of the owner of the soil." He contended that the exclusion of small proprietors was contrary to the principles of equity and of natural law. He was much mistaken by an hon. gentleman who fancied that he had confounded the doctrine of the law of nature, with that of the natural state of man—and he had argued to prove the fallacy of such an association. But, if the hon. gentleman reflected a little, he would not have supposed that he could be guilty of so extravagant a blunder. He must be aware that there were natural laws, anterior to those of a conventional description, and that the validity of the latter was supported by their coincidence with the former. From this he contended, that it was contrary to the law of nature and of equity to preclude a man from the use of that which was nurtured on his own soil—always considering game as the growth of the soil. He was astonished, when an hon. gentleman declared that, in this bill, he had described the former laws as unjust. This was not the fact. The preamble merely said, "that those laws were found inadequate to their object—that they were impolitic and inconvenient and, in many cases, oppressive and unjust." He did not say that they were generally oppressive and unjust, but that they were, in some instances, contrary to equity and natural law. The hon. gentleman said, "if individuals want game, let them purchase land." But this would not do; it would be necessary for them to purchase manors. And, as the system now existed, an individual with a manor of 100*l.* a year, and a qualification might shoot on the land of any person he pleased. Indeed, he believed that some persons had acquired qualifications, merely to carry on the business of poaching. There might be many clauses in the bill that required amendment. There were many interests, a variety of property which it was impossible for him, in the first instance, to protect or include in a measure of this kind. But he was convinced the more the House considered it, the more they would see the necessity of carrying it into effect. The greatest practical mischiefs flowed from the present system—one of the most prominent of which was, that the great body of the lower orders were opposed to the higher classes on this point, and the morals of the country were deteriorated to an alarming degree. In his view of the subject, this was the most important revision and amendment of the criminal law, that was likely to be submitted to parliament during the present session.

The question being put, "That the bill be now read a second time," the House divided: Ayes, 110. Noes 83. The bill was then read a second time.

CIVIL CONTINGENCIES DEFICIENCY—PRESENTS TO FOREIGN MINISTERS.] The Chancellor of the Exchequer moved the order of the day for receiving the report of the Committee of Supply. The resolution, "That a sum not exceeding 79,154*l.* 8*s.* 9$d\frac{1}{4}$. be granted to his majesty to make good the deficiency of the grant of parliament for the year 1818, to enable his majesty to provide for such expenses of a civil nature as do not form a part of the ordinary charges of the Civil List, having been read.

Mr. *Hutchinson* said, it was not his intention to enter upon the hacknied topics of the public burthens and the duty of that House. He meant merely to justify himself for affirming that the expenses in

these papers were evident extravagance. They had voted 3,500,000*l.* of the public money for the navy and ordnance, and yet they were called upon to vote 79,154*l.* for the purposes stated in these papers. The House was bound to watch narrowly such accounts and items. By doing so they not only did their duty to the country, but essential service to ministers themselves; for if the House would not suffer extravagant expenses to pass, ministers could retire to the cabinet secure of the support of the House in their measures of economy and retrenchment. This would give them a strength in the cabinet which otherwise they could not possess. The first item he had to remark upon was 3,195*l.* 12*s.* for furniture to the Royal George yacht. This expense appeared to him most extravagant. This was not for furnishing the ship generally, as might be supposed, but for the furniture of one room. The next item he would advert to was 8,432*l.* as the expense of a noble viscount and a noble duke at Aix-la-Chapelle. He did not conceive this expense to have been necessary. Whatever good the noble viscount and the noble duke had done at Aix-la-Chapelle, they could have done by their remaining at home, and by any ordinary character being sent to the conference. Not one thing had been done at Aix-la-Chapelle, which had not been settled before the noble viscount, the noble duke, or any of the other great personages, had gone thither. The other item on which he had to remark was, 13,300*l.* for the Grand Duke Nicholas. He saw no reason for incurring such an expense for any royal or imperial visitant. If we thus paid the expenses of one during his residence here, we could not refuse to pay the expenses of fifty, and thus a serious burthen would be imposed upon the country. In going over the items, he found one of 20,000*l.* for law charges, which he could not but think extravagant. The item to which he was now desirous of calling the attention of the House, was the sum of 22,510*l.* 15*s.* 1*d.* for snuff-boxes as presents to foreign ministers. How could ministers, in the present state of the country, justify themselves for incurring such an extravagant charge for such a purpose? They, no doubt, relied on precedents, but he thought precedents in this case of little value. He had been informed, that the absurd practice of giving snuff-boxes had been carried so far, that the coachman appointed to drive an imperial grand duke lately on a visit to this country, had been presented with one. Would the noble lord cloak himself under a precedent of this kind? In times of public prosperity these items were frequently overlooked, and perhaps did not deserve so minute a scrutiny; but at present the distress under which the nation laboured was so great, that economy ought to be introduced into every part of the public expenditure; and though the strictest economy could not produce an immediate or any great relief, still the House ought to show an endeavour to carry retrenchment as far as possible. After some late votes, the people would be led to distrust professions. After the vote of last night to continue a board on the war establishment, whose principal duties terminated with the war—to continue the same number of lords of the Admiralty, with a navy of 20,000 men and 120 ships, and during profound peace, which was reckoned necessary, when we were in hostility with all the world, with a navy of 130,000 men, and more than 1,200 ships, the House should endeavour to recover its character for economy by endeavouring to retreneh in some way or other. It was only lately that a vote of a few hundred pounds for two equerries had been lost; and yet if any public servants were to stand in the way of public economy, these individuals deserved their salaries. To one of them, sir Brent Spencer, he was glad of an opportunity to pay his tribute of respect. He had served in the army forty years; he had been engaged in every war during that time, and in every part of the world he had faced dangers and shed his blood in the service of his country. His gallant conduct in Egypt on the glorious 8th of March was known to every one acquainted with our military annals; and yet these claims were not sufficient to continue him in the receipt of a salary which he obtained as the mark of his sovereign's confidence, and the reward of his fidelity. He would apply the case of the equerries to his present argument, by stating, that if the House refused on a late night 500*l.* a year to a gallant officer, they ought to abolish 20,000*l.* of useless expenditure. The sum now in the estimate for snuff-boxes would more than afford the two equerries their salaries for life. He was satisfied that, by examining in the way that he had done the papers submitted to the House, the public interest might be highly benefitted, and thousands saved

which were now uselessly squandered. Ministers would thus receive a check in their course of extravagance, and would be more cautious what estimates they brought forward for parliamentary sanction. He concluded by moving, "That the sum of 22,510*l.* 15*s.* 1*d.* which from papers on the table of the House is stated to have been expended for Snuff Boxes, appears to this House to be a most profuse and improvident expenditure of public money."

The *Speaker* suggested, that there was a Resolution before the House that 79,154*l.* be granted to make good the civil contingencies. The hon. member could propose an amendment, by subtracting the sum of 22,510*l.* from it, and by adding the concluding words of his resolution.

Mr. *Hutchinson* said, he did not wish to negative the grant, as the money had been expended; he would therefore propose his resolution after the question before the House was disposed of.

Lord *Castlereagh*, in rising to give the explanations required by the hon. gentleman said, he could not promise to speak to every point, as there were several totally out of his own department, and which he must refer to his right hon. friend. He perfectly understood the hon. gentleman not to have meant any thing like a personal charge by his motion, but to have brought it forward merely out of a sense of duty, to enforce an economical application of the public money. With respect to the fitting out of the royal yacht, he could say nothing, for he knew nothing. As to the expense incurred at Aix-la-Chapelle, the observations of the hon. member had been rather of a political than a financial nature. The hon. gentleman had said, that a king's messenger could have transacted the business as well as himself and his noble friend. If such observations had been made when the treaties and protocols concluded at Congress were laid on the table, they might have deserved an answer. If the hon. gentleman, however, required any explanations on the head of expense, he would not refuse the most ample. By examining the account, he would find that there had been no improvident waste of the public money, and that the sums expended had been less than on former missions of the same nature. With regard to the item of charge for his imperial highness the grand duke, who lately visited this country, all that he would say was, that it was incurred out of that courtesy which usually prevailed between governments. The expenses which we had to provide for in this respect were not so great as some other states. During the congress of Vienna, the emperor of Austria had entertained all the sovereigns, princes, and ministers, assembled in that capital. The principal part of the hon. member's objections was directed against the practice of making presents to foreign ministers. The hon. gentleman had not represented the matter fairly in allowing it to be supposed that the 22,000*l.* of expenditure under this head had been incurred within the year. The truth was, that the present account comprehended the money expended in this way for more than two years, from July, 1816, to Jan. 1819. It was likewise to be recollected, that in that period the country had not been in its natural state. To show that the sum thus distributed over two years, or about 11,000*l.* per annum, was not extravagant or extraordinary; he would refer the hon. gentleman to papers laid on the table in 1811. In them he would find an account of the expenses incurred for presents to foreign ministers during the seven preceding years. These charges amounted on an average to 10,000*l.* per annum. By looking a little farther back, he would find that in 1804 Mr. Pitt had laid on the table an estimate of such expenses, which likewise amounted to 10,000*l.* a year. He (lord C.) was well aware of the general opinion, that any thing in the shape of a present might be advantageously dispensed with; but whatever degree of obloquy might be thrown on him for defending a custom in which he might be supposed to be interested, he would still contend against its abolition. The hon. member did not seem well acquainted with the regulations under which these presents were given, nor with the limitations both as to the persons on whom they were conferred, and the number of them that must, according to custom, be provided. Their amount was not in the least arbitrary, nor could they be connected with any improper influence. The practice of bestowing them on the signature of treaties, was as old as the monarchy, and nearly co-extensive with civilized states. He knew that it was a principle with the United States neither to give or receive presents; but the practice was general among the monarchies of Europe. The East India Company, in their transactions with the states

in the neighbourhood of their territory, acted under a law to receive no presents; but this meant presents of a great amount, and dangerous to diplomatic agents, by the undue influence which they might produce. The presents mutually given in Europe were of a different description. They were never conferred till the treaty for the signature of which they were to be given had been ratified, and therefore could not be considered as a reward offered to diplomatic agents for favourable stipulations, as the treaty they had concluded had received the sanction of their own government, before any acknowledgment was made by its ally. The hon. gentleman laboured under an error in supposing that these presents were always returned to the secretary of state. They were given to the minister who signed the treaty, whoever he was; and not to the secretary of state, unless when he acted in the capacity of a negotiator, and so affixed his signature. To speak of himself, he could say, that out of twenty-two presents given to the agents of this country, during the last two years, only five had come to him. The situation of diplomatists was not very enviable or gainful, and therefore ought not to be curtailed of any of its advantages. They were not paid so well, considering the expenses to which they were exposed, as other public servants. He would not, therefore, consent to withdraw this advantage without replacing it by another, and he could think of no other more appropriate or economical. Some of them, he was aware, disposed of these presents for immediate profit; but the greater part preserved them as memorials of the transactions in which they had been engaged. He himself had kept all the memorials of this kind he had received in the shape in which they were given; and should transmit them to his family as property which they would prize higher than any thing else he could leave them. He went on to argue, that no more eligible or less extravagant way occurred of rewarding public servants very moderately paid. Besides, though some saving might take place, he did not see how a change in the present practice could be effected without the concurrence of other states. It would appear a piece of absurd affectation in us to attempt it, without such a general concurrence. He should consider the abolition of the practice even prejudicial to the public service, while no call existed for it in the extravagance of the expenses to which it led, or in the danger of any influence which it might create.

Sir *M. W. Ridley* said, that as to the practice of giving snuff-boxes and such presents, it was, he would admit, one of long standing, and might in some respects have been called for by circumstances; but he trusted it was an expense which the country would not be called upon to pay in future. He gave credit to the noble lord for the statement he had made; and he would add, that, from circumstances which had come to his knowledge, the noble lord had not done himself justice. He conceived that the House and the country owed the noble lord a great deal for his conduct at Aix-la-Chapelle, where the resolution that had been proposed at the meeting of ministers for interchanging presents for each of the treaties which had been concluded, had been objected to by him, and only one present interchanged in lieu of many. This was conduct for which he conceived the noble lord deserved credit, where he had the practice of other times to urge him to a contrary mode of proceeding. There were in the account some other items, of which, though the amount was comparatively small, he conceived the principle ought not to be agreed to. It was the practice of going to much expense for the royal personages who happened to visit this country. He was not averse from having every necessary attention paid to those illustrious strangers, but he conceived we were not bound to pay all their expenses whilst here; or if that principle was to be contended for, he would suggest, that those who were appointed to attend them in their tour should be a little more economical. He saw that the expenses of one of the grand dukes, whilst at an hotel in Edinburgh, was charged 100*l.* a day. He could not conceive how such an expense was necessary. The next item to which he objected was, the expense of the royal yacht: 3,000*l.* had been expended in repairs and ornaments for that alone—an expense which, in his opinion, could not be incurred unless there had been great prodigality. There was another item, to the principle of which he could not agree; he meant the sum of 3,000*l.* as the expense of the Alien establishment. This establishment, and the act which gave rise to it, were a disgrace to the statute-book, a disgrace from which he hoped they would be redeemed in a short time.

Mr. *Canning* observed, that the hon. baronet was right in saying that his noble friend had objected to the interchange of presents among the ministers, for each treaty which had been concluded; but he was not correct in mentioning that circumstance as having occurred at Aix-la-Chapelle. It was true that at Aix-la-Chapelle, there was only one present interchanged between the several ministers; but the circumstance to which the hon. baronet had so candidly alluded in respect to his noble friend, occurred at the congress of Vienna, where a resolution was proposed that presents should be given for each treaty, but this was objected to by his noble friend, and on his suggestion one present was interchanged for all the treaties; whereas, if, according to custom, they had interchanged one for the conclusion of each treaty, the number would have amounted to forty-five.

The original resolution was agreed to; after which, Mr. Hutchinson said, his object would at present be answered by having his resolution entered on the Journals. It would go against the precedent being established. He gave credit to the noble viscount for what he had heard, and had no intention of imputing any thing personally to him and to the practice which had prevailed.

The motion was then put, and negatived.

Trial by Battle Abolition Bill.] The Attorney General moved the order of the day for the further consideration of the report on this bill.

Sir *F. Burdett* said, the bill was called a bill for the abolition of trial by battle, but it went also to take away the right of appeal, with which, he conceived, it had nothing whatever to do, any more than with an indictment at common or statute law. In fact, the trial by battle might be considered as completely obsolete. The principle was—"cessante ratione cessat lex;" and he conceived that here, as well as in the cases of trial by ordeal, by fire and water, and by receiving the sacrament, and other cases where the *judicia Dei* were resorted to in the absence of other means of proof, the law had completely ceased, and might be considered as quite obsolete. These were, in fact all done away; and why should not the trial by battle be considered as done away also? He was aware of the objection which would be made to the appeal, which he contended ought to be allowed in cases of murder—that it exposed persons to a second trial for the same offence. He was as much an enemy to a second trial generally as any man; but he conceived, that in the case of murder, the appeal ought to be allowed, because it went to check the illegal exercise of the power of the Crown in pardoning criminals. The trial by battle was only resorted to in cases where it was supposed all other mode of proof failed, and then the parties looked to the *judicia Dei*, or judgment of God. This was, in a great measure, the case in the instance of colonel Ramsay and lord Rae. The court to which the matter was referred, at which the earl-marshal presided, came to the determination of allowing the wager by battle, but it was only on the supposition that no other mode or proof remained. This was in itself an argument to show that the wager of battle was only a sort of *ultimum remedium*. He confessed that, looking to the present attempt at abolishing the right of appeal, and considering the quarter in which it originated, he could not (though he meant nothing personal whatever to the hon. and learned mover), view it without strong feelings of constitutional jealousy. It was, he conceived, a measure which went to increase the power of the Crown, inasmuch as it went to deprive the subject of an appeal against what might be an illegal and unjust extension of the power of the Crown in pardoning criminals in cases of murder. He was not objecting to the abolition of the second trial in most cases, or to the wager of battle; but he contended, that this right of the subject should not be done away with. In support of it he had some of the highest legal authorities. Lord Holt and Mr. Dunning had said, that it was one of the main pillars of the constitution; and the peers of the revolution, when they objected to the practice of trying any one of their body by commissions appointed by the king, soon afterwards passed a resolution, that this should not at all trench upon the right of appeal. He was also anxious that this right should be preserved, from the instances which had occurred in the present reign, in which the most scandalous abuses had been made of the power of the Crown in the pardoning of murderers. The hon. and learned member for Knaresborough had said that the clamour on this subject had arisen from the writings of Junius on

the case of the Kennedies. Here certainly was a case where the power of the Crown had been abused. These men had been found guilty of murder, and had been pardoned. The circumstance which led to their pardon was a proof of the force of his argument—that the power of the Crown was often abused in the pardon of criminals. The sister of these men was the mistress of the then lord Sandwich. If she had been honest, her brothers would have been hanged; but because she was the mistress of a person, who had some political influence they were pardoned, after having been found guilty of a foul murder. The hon. baronet next alluded to the case of the man for the murder at Brentford, at the time when Wilkes was candidate; and also to the case of a young man, a gardener, who had murdered his master, an old man of eighty years, in both of which cases the criminals were pardoned. Here he conceived was an undue exercise of the assumed power of the Crown. He said, "an assumed power," because by stat. 2 of Edward 3rd the pardon of murderers was expressly prohibited, except in cases of self-defence. If it was absolutely necessary, at that time, to have this law of appeal, it was more so in the present day, when a sort of military government was resorted to; when soldiers were introduced on almost every occasion, instead of the civil power; or in aid of it when such aid was unnecessary. He could not here omit to notice an anecdote of the opinion of the noble lord to whom he had alluded: A crowd of persons had collected round a house in Holborn, where it was supposed a number of impressed men were, who had been kidnapped to be sent to America. Application was made for the aid of the military, and the matter was communicated to lord Holt. He asked the officer who was sent to him, what he would do in case the crowd did not disperse. The answer was, "that he would give orders to fire upon them, for such were the instructions he had received." "Then, sir," replied lord Holt, "if you do, and either you or any of your soldiers should afterwards come before me, depend upon it you will be all hanged." The consequence of this admonition was, that the soldiers were not ordered out, but a party of the police were found sufficient to quell the riot. If lord Holt was in that day, with such opinions as he held upon the law of appeal, so jealous of the military power, how much weight ought not those opinions to have at the present moment, when the military system seemed, in many instances, to have superseded the civil, and when barracks were erected in every part of the country. The law of appeal would, he conceived, be some protection, though perhaps a weak one, against the abuse of such a system. As to the argument that the law of appeal was inconsistent with that principle which went against two trials for the same offence, and that its abolition was connected with that of the wager of battle, he should only say, that no two objections could be more easily obviated. It would be only necessary to bring in a small bill to do away with the wager of battle, and to repeal so much of the statute of Hen. 7th as allowed one trial for a particular offence, to be a plea in bar of a second trial for the same offence, leaving the appeal open in cases of murder. In order to have this matter fully discussed, he should move that the bill be recommitted, and he would afterwards move the amendments which were necessary. The hon. baronet then alluded to the case of "Ashford *v.* Thornton," which was so fully before the public a short time ago, and regretted that the appellant in that case had not common sense enough to pursue his appeal to the last; because then it would be seen whether the law was really considered one which ought to be acted upon or not—whether the chief-justice of the court of King's-bench would have gone into Tothillfields to see two men beat each other first with cudgels, and afterwards with sand-bags for a whole day. He was sorry the law had not been brought to such a test, as he was convinced the result would be an argument in favour of what he had asserted namely, that it was one which ought not to be acted upon.

The report was then ordered to be taken into further consideration, and on the motion "That the amendments be now read a second time," sir F. Burdett moved, to leave out from the word, "That" to the end of the question, in order to add the words, "That this bill be recommitted."

Mr. Serjeant *Copley* said, he understood the hon. baronet's object to be that of preserving the right of appeal, while he agreed in the propriety of abolishing the trial by battle; but according to his own feelings upon the question, he would

rather that the bill of his hon. and learned friend should be lost altogether, than that an attempt should be made to carry it into effect with the amendment proposed to be made—so objectionable in his view was the right of appeal. The hon. baronet had declared, that the trial by battle was obsolete: this was rather an extraordinary assertion, when it happened so very lately, that it was insisted on in the court of King's-bench, and when the hon. baronet must have known that it never was suggested by the judge or by the counsel upon either side in the course of such proceeding, that the trial by battle was not the law of the land. If the court of King's-bench was placed in a ridiculous light by the proceeding, it furnished an additional argument in favour of the bill; for every thing which had a tendency to bring the laws of the country into contempt and disrepute, ought certainly for that reason to be removed. The hon. baronet had cited the authority of lord Holt in support of that law, and certainly a more enlightened man could not be mentioned as a lawyer; but the hon. baronet had omitted to mention, that this opinion of lord Holt's was one on a party question. The hon. baronet should have recollected, that the whole of the authority in this respect did not equally bear him out. There were other authorities which the hon. baronet might have found in the same place where he had discovered this opinion of lord Holt's, and which in fairness he should not have omitted; one was that of lord chief justice Treby, a man as enlightened on the subject as any other who could be named. Yet this lawyer had given his opinion quite in opposition to that which the hon. baronet had mentioned. Another authority was that of as eminent a statesman as any which he could name—a man who had been one of the brightest ornaments of that House—he meant Mr. Fox. That eminent statesman had strongly objected to the law of appeal; but he supposed his was an authority to which the hon. baronet would not be ready to bow. He had expressed himself in favour of the power of the Crown to pardon; he had shown that it was a power held for the benefit of the people, and that they had a claim upon it; but perhaps the hon. baronet had no respect for such authority. Passing that subject, however, he should come to another part of the hon. baronet's speech. The hon. baronet had maintained that the Crown had no right to pardon for murder, and that the right was abolished by statute. In that he begged leave to differ from him entirely. The very book which he had cited, and the very judge on whose opinion he so much relied, would have informed him otherwise. It was difficult to suppose what he could be thinking of when he talked of the common law; according to his description, it was a creature of his own, and was not to be found in the practice of the country. His whole argument was in fact assumption. The Crown had the prerogative; it might, indeed, like other prerogatives, be abused; but it was necessary to the ends of justice itself that such a prerogative should exist somewhere. It was now vested in the Crown, and exercised by responsible ministers. If taken from the Crown, where would the hon. baronet have it placed? Was there any civilized country in the world which did not entrust such a power to some public body, and was it not essential to liberty that it should be so entrusted. Suppose it was discovered after condemnation that the party was not guilty, should there not be a power of this kind to appeal to? And if there should, was not the analogy of the other prerogatives in favour of vesting it in the king? But what would the hon. baronet propose to do? He would place it in the hands of a private individual a relation to the party, whose motive was revenge, and who might be farther stimulated by factious views to prosecute. Such was the system which the hon. baronet had eulogized. In the case of the Kennedys, which he would not attempt to justify, for he agreed with the judge in thinking that it was a foul, an atrocious murder, the widow appealed, and the proceedings were commenced in the courts. Lord Ashburton, who was engaged in behalf of the prisoners, recommended a compromise, which the widow refused to accept. "Count out the money, 500 guineas," said lord Ashburton, then Mr. Dunning, "before her, throw them into her lap, and try whether she will refuse you." The sight of the gold was too powerful, the widow yielded, and the appeal was unsuccessful. This was the system eulogized by the hon. baronet. But if the hon. baronet was favourable to this system, he ought to have stated how much it was limited at present. If the murdered person left a widow, and she did not appeal, no appeal could be made by any other person. The same was the case if

she had married again. If only a daughter survived, no appeal could be made. But there were other objections to the system. When a party was prosecuted for a criminal offence, it was necessary that he should be charged upon oath, and a grand jury must find a bill before he could be put upon his trial; but, in a case of appeal, it was only necessary for the appellant to make affidavit that he believed the party to be guilty. The party was then put upon his trial, without the verdict of a grand jury, or any intervening step. Yet, such was the system which the hon. baronet, an avowed friend to the liberty of the subject, and a declared enemy to all oppression, felt himself called upon to sanction and applaud. The hon. baronet had directed his attention to the law by which peers were tried; but if a peer, charged with murder was acquitted by his peers, an appeal might be made against him as the law now stood, and on such appeal he must be brought to trial before a common jury for the offence. He was sure it would be unnecessary for him to enter into any farther detail, in order to show that the amendments contemplated by the hon. baronet ought not to be carried into effect.

Sir *F. Burdett* insisted that there were statutes which took away the right of pardoning murder from the Crown, except in the cases he had already specified. He admitted, that if the person was found to be innocent, there ought to be a power to save him vested in the Crown; but that was not pardoning murder; it was preventing the execution of innocence. Though the right of appeal, in its present form, might be liable to many objections, those objections were susceptible of remedy, and as it constituted some check of advantage to the subject, he could not consent to part with it, merely because there were disadvantages annexed.

Mr. *C. Tennyson* said, that there was an objection to a part of this bill, which he wished to present to the consideration of the House and of the hon. and learned gentleman with whom it originated. The bill went to prohibit wager of battle not only in writs of right hereafter sued out, but in those now depending. The objection was, that as far as concerned any writs now depending, this prohibition was *ex post facto* in its nature. If any practical and impending mischief were to be avoided, or any great end of public security to be answered, parliament had sometimes tolerated such a mode of enactment. Bills of attainder and of pains and penalties, were instances, but they were such as he trusted would never recur. Some few other instances, indeed, might be mentioned, but none he believed in which, without an *ex post facto* enactment some actual mischief would not have inevitably occurred, and thus it had been supposed to be justified by the necessity of the case. However that might be, it was well known that in writs of right, battle was never practically waged in modern times. It was two hundred and fifty years since such a result had ensued, and if the law continued as it was a thousand years longer, it would not probably ensue again. He would therefore put it to the House and to the hon. and learned attorney-general, whether this was a case in which a fundamental principle of legislation should be sacrificed. The law had stood as it now was ever since the coming in of the Normans, and he would suggest that it would be better to continue its application to the actually depending cases, if indeed there were any, than establish a precedent of the most objectionable and dangerous tendency.

The *Attorney General* justified the clause as absolutely necessary. If in the case of Ashford *v.* Thornton, the appellant had persevered in the trial by battle, he had no doubt the legislature would have felt it to be their imperious duty at once to have interfered, and to have passed an *ex post facto* law for preventing so degrading a spectacle taking place, especially as one of the parties must wage battle till death ensued. He was not aware that there was any writ now pending, but it was absolutely necessary, whether that was the case or not, he thought he could not discharge his public duty by omitting a clause to prevent this from being the case. He should be sorry to see the proposition of the hon. baronet established, namely, that the king had no power to grant mercy in cases of murder, because it was absolutely necessary that such power should be vested somewhere; and as his hon. and learned friend had justly observed, that power could be vested no where more properly than in the head of the government. By the common law that power was vested in the king, and he did not think there was a single statute which took away that power from him. He conceived there was a mistaken idea of the statute which

the hon. baronet had quoted, and that it had no such meaning as that the king had no power to pardon murderers.

Sir *F. Burdett* observed, that he had not referred to the statute of Gloucester.

The *Attorney General* added, that if the hon. baronet had not alluded to that statute, he must confess his total ignorance of any other taking away the power of the Crown to pardon; he believed —he was sure it did not exist.

Sir *F. Burdett* read the words of the statute 2nd Edw. 3rd, c. 2, which expressly provided that the king shall only grant pardons "in cases where the king may do it by his oath."

Mr. Serjeant *Copley* said, that the hon. baronet had declared himself not satisfied as to the law of trial by battle not being obsolete. In reply to that, he would merely state, that the very case of Ashford and Thornton showed that it was not obsolete. There the appellee having thrown down his glove, and challenged a trial by battle, one of the counsel declared it to be his opinion, that such a proceeding was obsolete. The late lord chief justice Ellenborough immediately replied, that he could not see how that was the case, the act having never been repealed, and therefore was still a part of the law of the land.

The question being put, "That the words proposed to be left out stand part of the question," the House divided: Ayes, 86: Noes, 4.

NETHERLANDS SLAVE TRADE BILL—SIERRA LEONE.] On the order of the day for the third reading of this bill,

Mr. *Marryat* said:—Mr. Speaker; before this bill passes through its last stage, I cannot but express my concern, that all the beneficial results expected from it, and from the conventions between this country and the other powers of Europe, to which this and similar bills are intended to give effect, are likely to be frustrated, by the choice of Sierra Leone as the place of residence of the commissary judges and the commissioners of arbitration. The total unfitness of Sierra Leone as the place of adjudication for captured Negroes, has been so strongly stated by that gallant and lamented officer, the late sir James Lucas Yeo, in his official dispatches to the lords of the Admiralty, that I shall give it in his own words: "Another great objection to Sierra Leone, arises from its being at such a distance directly to the windward of where the slave vessels are captured, which is generally in the right of Benin, and Beaffra; the vessels are always crowded and sickly, and the mortality in making the passage, exceeds one-tenth: added to this, the climate is detestable, the rain commencing the end of April, and continuing to the middle of October: it proves the grave of most Europeans who go there, and even those who escape the grave, linger out a painful and miserable existence." He then points out the superior advantages of the Gold Coast, as a settlement for captured Negroes and in a subsequent passage repeats, that "Sierra Leone is in every respect the most unfit, and worst situation on the whole Coast." If any confirmation of this authority were wanting, I might state that 240 white troops of the York rangers, were sent there in 1815; and that in the spring of the following year only 14 or 15 of them were alive and doing duty, the rest being either actually dead, or dying in the hospital. I have had occasion to send out two or three monitions from the court of Admiralty, to be served in Sierra Leone; and in none of these cases, did the parties to whom they were addressed live to receive them, but they fell into the hands of their executors, administrators, or assigns. The impression produced by the fatal effects of the climate of Sierra Leone, was strongly illustrated by the declaration lately made by the king's advocate in this House, that a delay of more than twelve months in carrying these conventions into effect had been occasioned by the impossibility of finding any person who would accept the appointment of commissary judge there; even with a salary of 3,000*l.* per annum, although the appointments at the other stations, (the Brazils, and the Havannah), with half that salary, were objects of great competition. I wish the House seriously to consider the consequences of sending the captured slave ships to Sierra Leone for adjudication. The Bann sloop of war, according to the dispatch of sir James Lucas Yeo, was five weeks beating up there from the Gold Coast, and the Brisk sloop of war, was ten weeks making the passage from Cape Formosa. In the crowded state of slave ships, the mortality on board them must of course be dreadful; and would be almost wholly avoided, by their being sent to Cape Coast Castle, where they might run down in fewer days, than it requires weeks to beat up to Sierra Leone. But, Sir,

dreadful as this waste of human life is, the mischiefs of the present arrangement do not end here. A great mortality must also be expected to take place among the commissary judges, and commissioners of arbitration, who are to be appointed by the different powers with whom we have made conventions, as well as by our own government, to reside at Sierra Leone. The act of parliament passed last year to carry these conventions into effect, and the conventions themselves, recite, that when a slave-trading vessel is brought in, the two commissary judges appointed by Great Britain and by the power to which the vessel belongs, shall take the depositions of the master and crew, and in case they do not agree whether the vessel is subject to confiscation, they shall call in one of the commissioners of arbitration to be chosen by lot from the two commissioners, nominated by the same powers; and that the decision of the majority of the three judges and commissioners so chosen, shall be final. This arrangement proceeds upon the presumption, that all the judges and commissioners will at all times be alive, and able to perform the duties of their office. I am aware that, in case of the death of those appointed by Great Britain, the governor of Sierra Leone has power to nominate others; but in case of the death of those appointed by the power to whose subjects the captured vessel belongs, no person at Sierra Leone has such an authority, and no such tribunal as the conventions require can possibly be constituted. In this state of things, what is to be done? Are the captured Negroes to remain on board, till new judges and commissioners are appointed in Europe, and arrive at Sierra Leone?—Or is the vessel to proceed with them to some of the other stations where the judges and commissioners reside? In either case the mortality among them must be dreadfully aggravated, and this will perpetually be the calamitous consequence of sending these unfortunate creatures to Sierra Leone for adjudication. On looking over the papers relative to the Slave Trade, that were lately printed by order of the House, I am not however surprised at the determination of the allied sovereigns upon this point, for I find among them a string of answers to questions put by the noble lord on the Treasury bench, which were laid before the assembled sovereigns at Aix-la-Chapelle, and which recommend Sierra Leone in the strongest manner. One of these answers maintains that, "Sierra Leone and its immediate neighbourhood, may be considered as the only part of the African coast, where plans of improvement can be pursued, without encountering the malignant influence of the slave trade;" but another answer shows that the slave trade rages all around Sierra Leone; for it states, that the coasting trade in the vicinity of that settlement can no longer be carried on, because the slave trade has increased to such an extent, "that the slave traders who frequent the part of the coast near Sierra Leone, destroy every vessel they meet;" and a letter signed by Mr. Zachary Macaulay states, that the missionaries beyond the precincts of Sierra Leone have been obliged to abandon the exercise of their functions; "so great is the demoralizing effect of the slave trade, and so inveterate the evil habits which it generates." Facts show, in opposition to these answers, that attempts for the civilization of Africa made from Sierra Leone fail, while those made from other quarters succeed. An expedition to explore the interior of Africa, proceeded from Sierra Leone near three years ago, under the direction of major Peddie. He and most of the officers with him died; the command was afterwards taken by captain Campbell, who shared the same fate; neither of them being able, from various obstacles, to penetrate far into the interior. A third attempt has lately been made by major Gray, and the last accounts of him, according to the public papers, are, that he had lost most of the white people who accompanied him, most of his beasts of burthen was in great distress for want of provisions, unable to continue his intended route through the territories of some hostile chief, and had written to the French governor, at Goree for assistance. An expedition was also fitted out last year, from Cape Coast Castle, to the dominions of the king of Ashantee; which perfectly succeeded. The deputies made a treaty with him, which promises the happiest results; and have fixed a permanent resident at his capital. So encouraging is the opening thus made to the interior of Africa, that in order to follow it up with effect, his majesty's government have lately sent out Mr. Dupuis, who resided many years as British consul at Mogadore, and is well acquainted with the Moorish language, to proceed from Cape Coast

Castle on another mission; and we shall probably obtain more real knowledge of the internal state of Africa from that quarter in the course of two years, than has been obtained for a century past: while from Sierra Leone, we obtain none whatever. In another of these answers, we are told that Sierra Leone presents the gratifying spectacle "of a community of black men, living as freemen, maintaining themselves by the ordinary pursuits of agriculture, commerce, or some mechanical art;" but, unfortunately for the veracity of this statement, within a few days after it was printed, some papers respecting the deficiencies of the civil list were also laid before the House, in which appeared among other items, bills to the amount of more than 30,000*l.* drawn from Sierra Leone, for the maintenance of those very captured negroes who are said to maintain themselves. Not to detain the House with more comments upon these answers, I shall only state that I have seldom met with more misrepresentations, fallacies, and falsehoods, within the same compass than they contain; and it does seem extraordinary that they should be received and acted upon as official documents, at the conferences at Aix-la-Chapelle, without being authenticated by the signature of any individual, but described merely as answers from the African Society in London, and from Sierra Leone: who the African society are, I know not. We have indeed an African Company; but these certainly are not their answers; for I understand they gave answers of a very different nature, and which were not laid before the plenipotentiaries at Aix-la-Chapelle. We have also an African institution, who may perhaps now be denominated a society; but I do think that some persons should have made themselves responsible for the truth and correctness of these answers, which have been permitted, in this anonymous character, to influence the minds of the assembled ministers and sovereigns of Europe. I can allow for the partiality which gentlemen who have long taken an interest in Sierra Leone may feel for their own favorite bantling; and for their wish to nurse it up into that maturity and consequence which it never can attain; but this partiality ought not to be indulged at the risk of sacrificing those laudable and important objects, which the bill now before the House, and the convention on which it is founded, are intended to accomplish. I hope, therefore, to hear from the noble lord either a contradiction of the objections I have stated, on the authority of sir James Lucas Yeo, to making Sierra Leone the destination of the captured negroes, and the place of residence of the commissary judges, and the commissioners of arbitration; or an assurance that he has it in contemplation to remove them all to some other situation, more eligible both in point of geographical position, and salubrity of climate.

Lord *Castlereagh* observed, that in settling an establishment on the coast of Africa, for the adjudication of captured slave ships or the civilization of negroes, government had, in fact, no option. They were obliged to take Sierra Leone—no other suitable place being found. Cape Coast Castle and other places, which had been mentioned, were fully inquired about, and it was ascertained that none of these places could be fixed upon for the establishment alluded to by the hon. member, with safety to the object in view, to the protection of the negroes, in consequence of their defenceless condition, and their contiguity to the populous districts of Africa. Hence the establishment was made at Sierra Leone, the internal organization and general circumstances of which were, he was happy to say, very materially improved of late years. The noble lord concluded with assuring the hon. member that government had not come to a determination upon this subject without duly considering the letters of sir James Yeo, to which the hon. gentleman had referred, as well as every other information that it was practicable to obtain, and that had any bearing upon the case.

The bill was read a third time, and passed.

HOUSE OF LORDS.

Monday, March 22.

Roman Catholic Claims—Petitions of the Irish Protestants in favour of.] The Marquis of *Downshire* presented the petition of the Protestants of the city of Dublin, and also another petition from the Protestant nobility, gentry, freeholders, &c. resident in Ireland, in favour of the Roman Catholic claims. The noble marquis said, that the petitions were most numerously and respectably signed. The resident Protestant population thus came forward to

solicit relief for their Roman Catholic brethren. Having been present when the petitions were agreed to, and at several other meetings which had the same object in view, he was convinced that it was far from the wish of the parties to promote any angry discussion. Catholics and Protestants appeared to him to be equally animated by a conciliatory spirit. He must also observe, that looking at the general state of the country, at the situation of our foreign relations, at the state of the Papal see, and the temper of the Catholics themselves, he thought no fitter time could be chosen for calling their lordships attention to the subject of the petitions he had submitted to their consideration. He sincerely believed that the Catholics were as well disposed as any other body of men in his majesty's dominions possibly could be to the British constitution and form of government. By the wisdom of parliament, many franchises of which they had been deprived were restored, and he trusted that those which were still necessary to place them on a footing with their Protestant brethren would be conceded to them. The spirit which animated the Catholic body was proved by a resolution passed at a late meeting, in which they expressed their determination to rely on the justice of parliament, to continue to be guided by a spirit of conciliation, to avoid feuds, and to promote education upon the most liberal principles.

The Earl of *Enniskillen* could not consider the petition as coming from the great body of the Protestant interest of Ireland. The names of many of the principal Protestant landholders did not appear as subscribers. Not a single landholder in the county in which he lived, one of the most Protestant counties in Ireland, had signed it. He should probably soon have occasion to present a counter-petition.

The Marquis of *Lansdowne* not having signed the petition of the Protestant landholders, considered himself called upon, in consequence of what had fallen from the noble earl, to state that he was one of a great number of landed proprietors not residing in Ireland who fully participated in the sentiments of that petition. He would have readily signed the petition, had it been thought proper for him so to do, as a non-resident proprietor. If any body of petitioners ever were entitled to respect, it was those who had signed this petition—men who came not to claim any privilege, but to pray that others might be relieved from disabilities, the existence of which might, upon a narrow view of the question, be regarded as advantageous to themselves. The petitions were signed by the great body of the Protestant landed proprietors, and also by the most eminent merchants of that city, emphatically styled the Protestant city. In that city the memory of William 3rd, that truly Protestant monarch, was held in the highest veneration. Yet, consistently with that veneration, the inhabitants of that city came before their lordships to ask as a boon the removal of the disabilities under which their Catholic brethren labour. Surely they formed a body of persons well qualified to judge whether the measure they called for was one which could be adopted with safety. They came before their lordships, to give evidence that their neighbours, though professing a different faith, were, in their opinion, worthy of being invested with the same political rights as themselves. They prayed that their countrymen should not continue to be the only Catholics in the civilized world excluded from their rights. If there was any foundation for alarm on this subject, it was among those who had signed the petition that that alarm might be expected to be found. If there were any persons who still seriously believed that the admission of a limited number of Roman Catholics to seats in the two branches of the legislature, and to a limited number of civil and military places, to be given at the discretion of a Protestant government, would threaten the establishments of this country in church and state, those persons must acknowledge, that it was upon the petitioners the first danger would fall. They were the persons who must stand in the front of the battle, and encounter its greatest dangers. Yet, with that sharp-sighted view to their own interests which any apprehensions as to the risk of life and property infallibly gave, they had signed this petition. No petitioners were ever more entitled to be heard with attention by their lordships.

The Marquis of *Buckingham* said, that he also would have signed the petition, had it been within the scope of the petitioners to have the signatures of landed proprietors who were not resident in Ireland. He hailed the petition with the greatest satisfaction, considering it as a great step gained in behalf of that liberal

spirit of conciliation, which it was so eminently desirable should be extended to our Catholic fellow-subjects.

The Earl of *Darnley* expressed his satisfaction at the manner in which the spirit of conciliation which animated the Protestants had been met by the Catholics, and hoped that their demands, for which justice, humanity, and policy equally pleaded, would be granted,

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, March 22.

Copy-right Act—Petition of the London Booksellers.] Mr. *Lambton* begged to state the substance of a petition that had been intrusted to him by that respectable body the booksellers and publishers of London and Westminster, praying a repeal of the copy-right act. It was enough to mention the names of Messrs. Longman and Co., Messrs. Baldwin and Co., Messrs. Rivington, Mr. Murray, and Mr. Mawman, to secure it attention; in short, it had been signed by all the respectable booksellers of the metropolis. The Petition was then read, setting forth,

"That the petitioners presented their humble petition to the House in the last parliament, respectfully stating the grievances which they endured from the operation of that part of the act of the 54th of his present majesty, intituled 'An act 'to amend the several Acts for the En-'couragement of Learning, by securing 'the Copies and Copy-right of Printed 'Books to the Authors and their Assigns,' which enjoined the delivery of eleven copies of every book and volume for the eleven libraries therein mentioned, which after the passing of that act should be printed for sale, and humbly praying for relief; that the petitioners said petition was referred, with a number of others, to a select committee named by the House, who examined many witnesses concerning the matters therein-mentioned; and whose report, together with the minutes of the evidence taken before such committee, was laid upon the table of the House, and ordered to be printed; that the petitioners humbly submit, that the grievances which they have experienced from such delivery have been fully shown on such evidence; it appears thereby, that the actual cost of the books delivered by the house of Longman and company, since the passing of the said act, in July 1814, to the month of April 1818, was about 3,000*l.*; and that another bookseller, Mr. John Murray, had lost 1,275*l.*, by the books he had delivered during the same period; it also appeared, that the delivery of eleven copies of only five works, namely, Dugdale's 'Monasticon Anglicanum,' his 'History of Saint Paul's,' 'Portraits of Illustrious Personages,' Ormerods's 'History of Cheshire,' and Wood's 'Athenæ Oxonienses,' would amount to 2,198*l.* 14*s.*; and that the delivery of eleven copies of only one work, Dodwell's 'Scenes and Monuments of Greece,' would, at the trade sale price, be about 275*l.*; the petitioners will not intrude on the attention of the House, by stating the various injurious effects on arts and literature in general, which this delivery is stated, in such evidence, to have produced, as well as on the property of the owners and authors of books; but they earnestly state, that if the grievance is manifestly great on high-priced books, it is not less individually severe in its general amount on the usual publications of the year; and the petitioners humbly submit, that the increasing custom of printing English books abroad is an additional urgency to the petitioners to solicit the House to remove from them the burthen of delivering these eleven copies, which so manifestly tends to increase the price of English publications; the petitioners therefore most humbly pray, that the House will be pleased to grant them such relief as to the demand and delivery of the eleven copies of books for the libraries in the said act mentioned, as in its wisdom shall seem most expedient, and more especially, by repealing the clauses of the said act which enjoins the delivery of the said eleven copies, excepting one copy to the British Museum."

Ordered to lie on the table.

Lotteries—Petition from Sheffield against.] Mr. Stuart Wortley presented a petition from Sheffield, setting forth

"That the petitioners being decidedly of opinion, from the declarations of scripture, and the voice of experience, that whatever is at variance with strict morality and pure religion must be inimical to the prosperity of any kingdom, and being convinced that the state lottery is in a great degree destructive of both, they have no hesitation in affirming, that the continuance of it must be injurious to the

best interests of the state; that the petitioners are fully persuaded that these sentiments are likewise those of almost all reflecting people, as well as of a majority of the members of the legislature, because when the act for the continuance of the state lottery was passed in the last session of parliament, not a single argument was adduced in its favour, the necessity for it alone being insisted upon; that the petitioners were happy to learn from the report made, on the 8th day of February last, to the House, on the finances of the country, that the aforesaid plea of necessity is now entirely obviated; that the petitioners believe that the loss to the state, even in the revenue, from the pernicious effects of the state lottery on the morals and habits of the lower classes is far beyond any profits which can arise from it; that the petitioners have great apprehensions, since banks for the savings of the poor, under the special sanction of the legislature, are become so general, that if the state lottery be suffered to continue, its pernicious consequences will be much increased, and that the effects of the saving banks will be rendered frequently prejudicial; it is even probable, that emissaries will be employed by the lottery offices to traverse the country for the purpose of personally tempting the depositors to speculate in the state lottery, and these will be ready to insinuate, that the legislature has encouraged the establishment of such banks for the purpose of enabling them so to do; that the petitioners moreover are of opinion, that before the country be farther called upon to establish and support national schools for the education of the children of the poor, and to build free churches for the religious instruction of the lower classes, the state lottery, which is so directly and strongly opposed to the success of such institutions, ought to be abolished; that the petitioners cannot but feel and acknowledge, that the Almighty hath not dealt so with any nation as he hath done with this, having exalted her to unexampled riches, and honours, and power; and that therefore we should, as a people, be wanting in gratitude to him, and be deserving of the most exemplary chastisement, were we to continue legislatively to sanction and enforce a measure which is now acknowledged on all hands to be offensive in the sight of Him who is of purer eyes than to behold iniquity; the petitioners do therefore most earnestly and respectfully solicit the House, that no bill in future may pass which shall have for its object the raising of money for the public service by way of lottery.

Ordered to lie on the table.

TRIAL BY BATTLE ABOLITION BILL —PETITION OF MR. THELWALL AGAINST IT.] Sir F. Burdett presented a petition from John Thelwall, of Lincoln's Inn Fields, gentleman, setting forth,

"That the petitioner, in common with every subject of these realms, hath a vital interest, but he hath also a particular and personal reason for feeling and expressing that interest, in the inviolable preservation of so much of the ancient constitutional right of appeal as is connected with the security of the lives, limbs, and personal liberty of individuals, subjects of these realms, against the violence of abused power, whether civil or military, and in the precautions which that wise and salutary law has for many centuries most jealously preserved, for securing, even against the exertion of royal prerogative, the just punishment of those who, instigated by the hopes of pardon, might otherwise be induced, in times of political division and party heats and animosities, by kidnapping, by maiming, or by murder, to execute a rigour, not only beyond the law, but in direct violation and defiance of all law, but which nevertheless might happen to be agreeable to a wicked administration; and the petitioner further showeth to the House, that the said law of appeal hath ever been held and declared, by the highest legal and constitutional authorities of this realm, and particularly by that most virtuous and upright judge, the lord chief justice Holt, (who for his firm integrity, and undeviating loyalty to the constitution, was, at the period of that glorious Revolution which prepared the way for the house of Brunswick to the throne, elevated to the presidency of the court of King's-bench), to be a noble privilege, and a true badge of English liberties, and that therefore the liberties of Englishmen, and the security of their lives, limbs, and personal freedom, would be essentially impaired by the total abolition of the said right of appeal; and the petitioner further showeth, that he believes himself capable, if called for such purpose to the bar of the House, and there examined (either upon oath or otherwise as to the House shall seem meet), to lay open a series of most iniquitous practices and conspiracies all tending

to show the importance of this law, which iniquitous practices and conspiracies he believes himself also capable of still further proving and exposing, by the testimony of other credible and respectable witnesses, relative to the repeated attempts that have heretofore been made upon the life, limbs, and personal liberty of the petitioner; and from the reiteration and further perpetration of which, and the accomplishment of a formed design to murder the petitioner, or convey him forcibly beyond seas, there is reason to believe there would neither have been prevention nor means of redress, if the law of appeal had not been then in existence; and the petitioner therefore prays, that such parts of the ancient constitutional law of appeal, as have heretofore been regarded, and ought still to be regarded, as protective of the life, limb, and personal freedom of the subject, may not be revoked or abolished; and that the petitioner, and the subjects in general of these united realms, may still continue to enjoy, as their forefathers have enjoyed, the advantage of this sacred and venerable institution, which puts it out of the power even of royal prerogative, however instigated by a corrupt and tyrannical administration, effectually to shelter from due punishment the perpetrators of any murder, or similar atrocity, such as have been attempted upon the person of the petitioner, on any factious, political, or other pretence whatever; hereto the petitioner craves the particular attention of the House."

Ordered to lie on the table.

PENRYN ELECTION.] The order of the day having been read for taking into further consideration the report of the committee on the Penryn election, Mr. Atkins Wright moved, that the resolutions be read a second time, which was done, and they were agreed to. The hon. member next moved, 1. "That the attorney-general be directed to prosecute Henry Swann, esq. for bribery at the last election for the borough of Penryn. 2. That the attorney general be directed to prosecute John Goodeve, Henry Durnsford, and Abraham Winn, for corrupt practices to influence the last election for the borough of Penryn."—Ordered.

COMMITTEE OF SUPPLY—PENITENTIARY HOUSE AT MILLBANK.] In the Committee of Supply, Mr. Arbuthnot moved, "That 60,000*l.* be granted to his majesty, towards defraying the expense of the building of a Penitentiary-house at Millbank, for the year 1819."

Mr. Alderman *Wood* expressed his surprise at the expense which this building had cost, and condemned the erection in it of a steam engine.

Mr. *Long* replied, that that plan had been adopted which seemed, in all respects, to be the most eligible for the attainment of health, security, separation, and inspection. The object of the steam engine was to grind corn, and raise water for the convicts, they being employed in such a way as would enable them to be useful to themselves and to the public on their liberation.

Mr. Alderman *Wood*, while he admitted the propriety of the mode of employment adverted to by the right hon. gentleman, observed, that the water might have been raised, and the corn ground (as he had seen in a prison in Paris), by the labour of a very small portion of the prisoners.

Mr. *Bennet* observed, that a prison capable of containing the same number of felons might have been built at one-half the expense, he might almost say one-third. There were carpenters, shoemakers, and other trades at work in the Penitentiary. Indeed, no one could go there without seeing persons hard at work.

Lord *Nugent* stated, that a vertical wheel had been constructed in the prison at Aylesbury, for raising water to supply the prison and the town. The height to which the water was raised was 70 feet; eight men were employed at a time, and they were relieved every hour.

Mr. *Hume* objected to the voting money for a steam engine. If they were to credit the newspapers, disturbances of a serious nature sometimes took place in the Penitentiary, and in his opinion, pumping water, grinding corn, and other severe labour, would be a proper punishment for the refractory.

Mr. *Holford* observed, that the statement of disturbances in the Penitentiary was greatly exaggerated. There would be an end to the plan of separating the prisoners, if they were to be employed in raising water, for that would necessarily bring a number of them together.

Mr. Alderman *Wood* moved as an amendment, that 40,000*l.* only be granted. After some farther observations the amendment was withdrawn, and the resolution granting 60,000*l.* agreed to.

CALEDONIAN CANAL.] Mr. Arbuthnot then moved, "That 50,000*l.* be granted to his majesty, towards defraying the expense of making an inland navigation from the Eastern to the Western sea, by Inverness and Fort William, for the year 1819."

Lord *Carhampton* wished the right hon. gentleman would state all the items on which he grounded this claim. It was asked for the Caledonian Canal; but where was Caledonia? The name and the race of the Caledonians had been extinct for 600 years; for since the thirteenth century there had been no such place as Caledonia. Tacitus had told us where Caledonia was in his time; but since that it had been inhabited by the Picts and the Scots. This canal, he believed was begun in 1803. He supposed it was then calculated what it would cost; but how much had been granted since? It was originally devised for the purpose of employing the labourers of Scotland; but all that benefit had been reaped by Ireland.

Lord *Binning* said, that the original estimate in 1803 was 500,000*l.* but it had already cost 700,000*l.* The question now was, whether they should withhold 50,000*l.*, which were necessary for the completion of a work that gave employment to so many. It had already employed annually 100 workmen of that country. When the nature of the work was considered, it would not be wondered at, that English and Irish labourers had been employed. The chief benefit, however, had been enjoyed by the Scots, the Picts, and the Caledonians—those objects of the noble earl's solicitude. The work had been undertaken at the request of those concerned in the Baltic trade, and on petitions from Ireland, Liverpool, Bristol &c., showing that many ships had been lost in going round the northern extremity of Scotland. In fact, such a canal had been projected as far back as the time of Charles 2nd. There was every prospect that the canal would answer all the purposes for which it had been originally intended. During the last year 152 voyages had been performed through it. The invention of steam-vessels would, he had no doubt, remove those obstacles which, it was feared at one time, would frustrate the object for which the canal was proposed. He believed, that 30,000*l.* next year would entirely complete the work.

Mr. *Hume* hoped the commissioners, before they applied again to the House, would have a new estimate, and say expressly what sum would complete the work. His opinion was, that when the canal was finished, the duties on ships would not repay the expense.

Mr. *W. Smith* said, that the canal was begun with the best prospect of success, and it was the opinion of every person qualified to judge, that it would be productive of the greatest benefits. It had been supposed, that while the trade to the Baltic would be benefited, labour would incidentally be provided to a great number of workmen, he believed that this incidental advantage had proved even greater than had been anticipated. The spirit of labour which had been introduced into that part of Scotland, was, in his opinion, worth more than all the money that had been voted. Of those who had been employed in this labour, there were not two in a hundred who were not Scotchmen; and surely the noble lord would not object that now and then a poor Irishman should be employed. The work had cost 700,000*l.*, which was more than had at first been thought sufficient; but the question was, whether they should lose that sum altogether, or reap the advantages originally expected by giving an additional sum of 80,000*l.*

The resolution was passed.

TRIAL BY BATTLE ABOLITION BILL.] The Attorney General moved, that this bill be now read a third time.

Sir *Robert Wilson* said, he thought it his duty to state the grounds on which he should give his vote on this bill. He meant that his observations should be addressed not to the present ministers only, but to all their successors; not to the present generation, but to all futurity. He begged to assure the attorney-general, that he gave him full credit for purity of motive, and integrity of intention. When this bill was first brought in, none was a greater enemy than he was to the trial by wager of battle. That part of the bill which abolished all appeals to the judgment of Heaven, he most fully approved of. The practice of calling for *judicia Dei* by the exercise of sticks, staves, and other weapons, had its origin in the ignorance and superstition of a barbarous age, and could not stand the light of truth and the test of reason; but the right of appeal to a jury against the prejudiced verdict, or an unwarranted pardon was a very different

question, and seemed to him to merit a very different kind of treatment. It might be said that this was a very difficult question for him to argue. It was true indeed that he was not very conversant with the intricacies of the law, but he would always endeavour to perform his duty as a representative of the people; and in contending for the reasonableness and utility of the right of appeal, he was not less the advocate of the army than the representative of the people. The people ought to be governed, not by the sword of the soldier, but by the authority of the civil magistrate. If soldiers should ever be called to suppress a popular tumult, they ought to be restrained by every consideration, from a rash and fatal use of military weapons. Lord chief justice Holt had warned an officer on such an occasion to beware of firing upon the people; for if he should, he would be found guilty of murder. The officer must further have known, that the Crown would not have the power of granting him a pardon. The officer would, therefore, be very cautious in his proceedings. If, on the other hand, a minister of the Crown could have said to him, "Obey our orders, and if any conviction against you should be the consequence, we have a pardon in our pockets for you," might not the officer have forgotten what was due to the constitution, to the army, and to his fellow subjects? He was most anxious to prevent the power of life and death from being placed in the hands of persons who might be influenced by private or factious motives. He contended for a great constitutional principle. He did not wish to encroach on the prerogative of the Crown, but he was against its interference with public justice; he wished not to restrain the exercise of mercy, but he deprecated its being made the instrument of bloodshed and cruelty. He had read of the opposition made to the Riot act; but if this bill should pass, they would consummate the evil of that measure. He concluded by moving, as an amendment, "That the bill be read a third time this day three weeks."

Mr. Alderman *Wood* said, he had heard a very able speech from a learned gentleman on the other side of the House, in support of the bill, but the right of appeal appeared so important to the liberty of the subject, that on that ground he would vote against the bill.

The House divided upon the question that the bill be now read a third time. Ayes, 64; Noes, 2: Majority 62. The bill was then read a third time, and passed.

HOUSE OF COMMONS.

Tuesday, March 23.

ROYAL BURGHS OF SCOTLAND.] On a petition being presented from the royal borough of Dundee, against the present system of governing the Scotch burghs,

Lord *A. Hamilton* took an opportunity of contradicting a statement which had been made during the last session by the lord advocate that the people of Scotland were perfectly satisfied with the reform which his bill had provided. The reverse was clearly proved to be the case, by the number of petitions presented to the House.

The *Lord Advocate* said, he saw no reason to alter any opinion he had expressed on the subject. He did not think the wish for reform was by any means general.

Mr. *Hume* contended, that the people of Scotland had a right to expect some redress. The situation of the very borough from which this petition came proved the necessity of a reform. He had a list in his hand of the magistrates of that town for the last twenty years, and he found that one set of magistrates presided this year, and the other set presided the next; and that the public property of Dundee had been let at half its value to friends of the magistrates. The petition was signed by nine-tenths of the population.

Lord A. Hamilton presented similar petitions from Crail, Hawick, and Elgin.

Mr. *Brougham* said, the learned lord had stated that the people of Scotland were satisfied with the present state of the burgh system. When petitions however came in signed by so many, he thought his learned friend should make some exception to that observation.

The *Lord Advocate* said, he was still persuaded that the great body of the Scots population did not desire any such alteration. Were they unanimous, it would be different, but they were not, and besides the petition from Hawick just presented, was not from a royal burgh. Much dependence could not be placed on those petitions, which came from a few interested persons.

Sir *James Mackintosh* said, that of all the speeches he had ever heard, with re-

spect to the presentation of petitions, that of the learned lord was the most extraordinary, and to him the most unintelligible, he had ever listened to. On all former occasions when his majesty's subjects applied to that House for a redress of grievances, the House particularly wished to see petitions from those persons who really were aggrieved; whose interests were injured; who demanded a definite redress, for a definite evil. But, if he received the learned lord's doctrine, he must relinquish all these principles. He seemed to say, that the petitions were not worthy the attention of parliament, because the statements contained in them were made by persons who were suffering under the grievance of which they complained, and whose situation enabled them to point out the most effectual remedy. Because persons, who had no specific connexion with these transactions, did not appear at the bar of the House, he argued, that no evil existed. If he had said, that the great body of burgesses had not petitioned, and had inferred from that circumstance, that they were satisfied, he would have understood him. He, however, had said no such thing; but had observed that the great body of the people of Scotland had not petitioned. He had proceeded on a sort of universal suffrage principle, and seemed to suppose, that the great body of the Scotch people were the proper persons to judge of the constitution of the burghs, instead of those who really understood the subject, and who suffered from the existing system. To-morrow or next day he should have the honour of presenting three or four petitions, praying for an alteration of that system, and he believed the learned lord would find, that a great majority, in point of property, character, and numbers, would very shortly appear before the House, complaining of the grievances under which they laboured in consequence of the mischievous manner in which their affairs were managed.

Mr. *W. Douglas* said, that much of the confusion which had arisen in the funds of the Scots burghs was occasioned by the self election of the magistracy, and the want of control which the inhabitants had over the receipts and expenditure. The bill introduced last year was by no means adequate to remedy the evil. The expectation of the different incorporated trades in Scotland had been much excited by the charter given to Montrose; and he could not help thinking it a very extraordinary thing in government to act as they had done to the burgh of Aberdeen, thereby crushing all the hopes they had formerly excited.

Sir *R. Fergusson* contended against the impolicy of government in refusing the same charter to the trades of Aberdeen, as they had granted to those in Montrose. In the latter borough the happy effects of such reform had been already felt.

Mr. *Boswell* impressed upon the House the necessity of not placing the fullest reliance on petitions of this description, particularly when they called for what the petitioners were pleased to consider their inalienable rights. Had they confined themselves to a control over the expenditure of the burghs, or what was termed the common good, he was disposed to give his co-operation to the success of their application. A bill to that effect, he understood, was in preparation; and to that extent it should have his support.

Mr. *F. Douglas* stated, that under the present management of the royal burghs, the inhabitants were not only robbed of their rights, but almost of the power of giving expression to their grievances.

Ordered to lie on the table.

NEW SOUTH WALES—CONDUCT OF GOVERNOR MACQUARRIE.] Mr. *Brougham* said, he rose for the purpose of presenting two petitions from two individuals named Blake and Williams, free settlers at New South Wales, complaining of the conduct of governor Macquarrie. He felt it his duty to present them, having satisfied himself that they were couched in respectful language. The truth of the allegations sat forth, must rest with the persons who signed them, but he must add, that he had made an inquiry respecting the petitioners, and the result satisfied him that they bore good characters, and were not likely wilfully to mislead the House. With respect to the conduct of governor Macquarrie he should say, that if culpable, he was disposed to consider such conduct rather as a fault of the system than of the man. He was placed in a situation of high and uncontrolled authority, in a distant settlement, under very peculiar circumstances—not alone peculiar from its distance, but from the character of a great portion of the people subject to his government, they consisting principally, on the arrival of governor Macquarrie, of convicts, although a very

material alteration on that head had subsequently taken place. Of the present population of New South Wales, consisting of 20,000 souls, one half were free settlers; while the annual amount of the births was in the proportion of two-thirds to the number of convicts sent out annually from this country. From all this he inferred, that in an investigation of the conduct of a person exercising such a trust, the House would deal leniently in judging of any act, even though it exceeded the bounds which a sound discretion and a moderate temper would prescribe. Undoubtedly, the question at present would be, whether governor Macquarrie had far exceeded those bounds. If the House could place reliance on the accuracy of the allegations of the petitioners, it would be seen that those bounds governor Macquarrie had far exceeded. Amongst other allegations, the petitioners stated that taxes to the amount of 24,000*l.* a year were imposed by governor Macquarrie, without his having any warrant in his commission to authorise such an act. Indeed he (Mr. B.) was of opinion that no commission for the Crown could delegate such a power to levy taxes in any colony, save a conquered one, not in the possession of a civil constitution. But whether the Crown had the power or not, was not the question here, as no such authority was given to governor Macquarrie by his commission. These taxes were levied on the imports, particularly on the article of rum, which was taxed at 10*s.* per gallon. Whether governor Macquarrie was the first to introduce this system, he did not know, but he rather thought he was; at all events, by him the great bulk of the charge was imposed. The system of auditing the public accounts was also extraordinary. The money was issued by the local treasury on the warrants of the governor. All that the auditors did, was to compare the disbursements of the treasurer with the drafts of the governor, and if these corresponded, it was considered sufficient. Again, it was stated, that governor Macquarrie not only levied those contributions, but that he granted exemptions to his favourites amongst his household and connexions. A turnpike duty was another impost levied by him; and here also it was alleged he granted exemptions in a similar manner. There were also charges stated against him of general oppression, and for inflicting punishment for acts, that as offences were unknown to the law of this country. Mr. Blake, one of the petitioners, had complained of what he called the outrages of the governor. It was necessary to state, that as to this outrage, this was the third time that the petitioner had laid his grievances before that House. The outrage consisted in the governor having issued his order to the common hangman to punish Blake and two other persons, who were convicts, by the infliction of 25 lashes on the bare back, for only having gone over a certain piece of ground belonging to the governor. These men were thus punished, not only without any previous inquiry, but without any examination before any thing in the shape of a tribunal. No witness was examined. The men punished did not know with what they were charged, but were at once thrown into confinement, and from thence removed to the place where the punishment was inflicted. This accusation rested only on the assertion of the petitioner; but, recollecting that it was brought to the knowledge of ministers two years ago, and that they had had time to inquire whether the statement was or was not exaggerated, if no contradiction or explanation were given it would go far in confirmation. Williams, the other petitioner, had also been a severe sufferer, by the unjust proceedings of governor Macquarrie. He had been a printer at the Cape of Good Hope; but being desirous of quitting it, he had obtained permission from lord Bathurst, with a promise of a grant of land in New South Wales: governor Macquarrie, however, asserted the contrary. When Williams arrived in New South Wales, he obtained employment in the office of Mr. Howe, the government printer, and was one of those who had signed a former petition to parliament, complaining of the conduct of the governor towards Blake. The consequence was, that as soon as governor Macquarrie heard of the fact, he sent a peremptory order to Howe to turn Williams out of his situation at a very short notice, alleging the fact, that he had signed the petition. Williams stated in the petition now before the House, that he had seen the original letter, or proclamation, and that he recollected its terms so accurately as to be able to set them out. It was dated the 17th of February, signed by the governor, and was addressed to Mr. George Howe, in these words:—"Understanding that you have in your service a man named George Williams, who came last from the

Cape of Good Hope without sanction, but whom from motives of humanity I permitted to become a settler, and it coming since to my knowledge that George Williams did affix his signature to a scandalous, rebellious, and libellous petition directed to the House of Commons against my person and government; now, it being my determination that such infamous incendiaries shall not be employed in any department under government, I hereby command and direct you not to retain him in your service after the lapse of one week." He was disposed to make very great allowance for the situation of the person governing the colony. Much that was blameworthy in his conduct was undoubtedly to be attributed to the peculiarities of that situation, and to be excused on the same account. It was well known that the colony of late years had materially changed its character. If that governor, who had been sent out at a time, when almost the whole of the population of the settlement were convicts, had acted erroneously towards it, when it had so decidedly altered its description, it was not to be wondered at. What he wished to impress upon the attention of the House was, the imperative necessity of directing their consideration vigorously and forthwith to the subject before them. No time could be more proper for such consideration than the present. The colony in question was extremely important, and might very soon become the most so of all our foreign colonies. This was the very time for inquiry, when its governor appeared to be just entering upon a wrong course, and might therefore be the more easily set right. He thought that any charges which could justify a parliamentary inquiry into his conduct, would also justify his recall. His majesty's subjects in that distant colony had an indefeasible, and, till now, an unquestioned right to ask parliament to redress their wrongs. It might be urged, that the individual of whom they complained was absent; that was his misfortune; unless against that misfortune, he chose to set off his being the governor of the settlement. While he continued to exercise his functions as governor, the petitioners could not enter actions against him; if he quitted the government, but did not come home, they were still incapacitated from bringing their actions against him, because no process could be served upon him; it only remained for them, therefore, to come before parliament as they had done. On the other hand, he was quite aware of the difficulties which attended a matter of this kind, and that there might be circumstances which would make the inquiry possibly not quite advisable. The only question for present consideration was, whether, after the communications which had been received in the course of the two last years, it was not proper to give the complainants an opportunity of coming before parliament. If ministers, after petitions had been preferred during the two last years against the governor, meant to affirm that they remained still in ignorance on the subject, the only mode of proceeding left to the parties was, to ask of the House redress; all they demanded was an opportunity of soliciting that redress.

Mr. *Money* said, that he had known general Macquarrie for several years, and was much surprised to hear such charges brought against him. If the allegations contained in the petitions were true, he could only say that general Macquarrie must have completely and essentially abandoned all those principles which had regulated his conduct during a long and honourable service. On his first arrival out he immediately set himself to ameliorate the condition of the people whom he was called upon to govern, and whose affections and attachment he very soon conciliated. He found the colony in a state of revolt, and both the civil and military departments in declared insubordination; the male and female convicts living together in a state of concubinage, and all the sacred ordinances of religion neglected. He applied himself to reform these abuses, and to enforce the observance of the sabbath day. It was not therefore to be expected, that under such circumstances, a people so disposed and composed should view the exertions of the governor with a friendly eye, or submit quietly to a new state of things. He felt that every person in that House, whether actuated by a love of justice, or by sentiments of regard for general Macquarrie, must feel anxious that the most minute investigation should immediately take place into the subject of the petitions. He would, however, claim this much for governor Macquarrie—that the House should not make a premature judgment upon his conduct, on an *ex-parte* statement. All those interested in the prosperity and advancement of that distant

colony would, he was sure, feel a great anxiety that the proposed inquiry should be made.

Mr. *Manning* observed, it was not difficult to make accusations of the nature of those now under consideration, when the object of them was many thousand miles distant, and unable to offer any defence. Governor Macquarrie, to his knowledge, was a man of high honour and character. He had served in the Bombay army for eighteen years with distinguished reputation, and had also been for some years under the earl of Harrington on the staff of the London district, where he was well known and greatly respected. It ought to be considered that the greatest subordination was indispensable among such persons as those who resided in New South Wales. Under all the circumstances, therefore, he trusted gentlemen would suspend their judgment, until a full opportunity was allowed for the developement of the facts of the case.

General *Hart* had been acquainted for thirty years with the gallant officer in question, and declared that he had never known a man of more unquestionable character, or one who appeared to him to be less capable of any unjust or harsh proceeding.

Mr. *Forbes* trusted that the most vigorous and expeditious measures would be taken, in order to inquire into the conduct of governor Macquarrie. Such measures, it had been intimated, had been taken: whether or not they might not have been more effectually taken than they had been, or been instituted through a better channel than that adopted, he would not now inquire. He had only one observation at present to make; it was a most extraordinary circumstance that the House was informed, one day, of oppressions said to have been exercised by the governor as against the free settlers; and, on another day, of oppressions against the convicts. He thought it fair to infer, therefore, that in point of fact the governor had acted impartially to them both. The hon. and learned gentleman had alluded to the governor's having laid a restriction on the importation of spirits into New South Wales, which restriction he appeared to consider unwarrantable. It would be obvious how necessary such a restriction was for the welfare of the colony. He himself knew of one instance of this nature. A vessel had sailed from India for New South Wales, laden entirely with spirits, and on her arrival she was refused admittance into the port, and obliged to return without discharging her cargo. Now, that vessel was partly owned by persons who had been long on a most intimate footing with governor Macquarrie; this at least bore testimony to his impartiality. There was one circumstance that he would mention, as it served to set the governor's conduct in a just light, in regard to his determination to protect the convicts against the free-settlers. When he first went out, he found that there was a regulation, which was observed by the judge, that no person who had been a convict, should ever be permitted to practise in the courts, either as a solicitor or barrister. It happened, however, that many persons of talent, who had unfortunately paid the forfeit of the laws, were at that time free, and resident in the settlement. This regulation would have thrown a monopoly of all the business and practice of the courts into the hands of one person, who had gone out thither with the judge. Governor Macquarrie resolved to allow individuals who had been hitherto excluded, to practise; and in the exercise of his authority, ordered the judge to receive them as barristers and solicitors accordingly. This measure was afterwards communicated to his majesty's government, and received its approbation. On the part of governor Macquarrie, he felt convinced, that that gentleman would be most solicitous to meet every inquiry it might be deemed proper to institute. The petitioners would, he hoped, very soon be able to seek for redress in any manner that might seem good to them; as, if he was not misinformed, governor Macquarrie had long expressed his wish to be allowed to return home.

Mr. *Wilberforce* entirely concurred with the hon. and learned gentleman, in the general principles laid down by him in his speech. At the same time, he could not deny to the hon. gentleman who had spoken last, the force of many of the arguments he had advanced, as to the oppressions stated to have been exercised by the governor against the settlers and the convicts. It was very possible that he might ultimately prove to have held a middle course between them; but he could not infer the same presumption of impartiality on the governor's part, on account of his having been said to have oppressed both parties. He had the pleasure of a short acquaintance with gover-

nor Macquarrie before he went out to New South Wales, and he was impressed with a most favourable opinion of the goodness of his intentions, and of his fitness for his appointment. The conversations which he had had with that gentleman, had afforded him much gratification, and he always struck him as being a gallant soldier, well qualified for the service he was about to undertake. If he recurred with pleasure to those conversations, at the same time he could not forget the principles which he had imbibed under the protection of the British constitution, which he had been taught to identify with that constitution—principles which habit and experience had taught him to reverence, and which had been inculcated from his earliest childhood. From those he had learned, that the possession of absolute power was at all times one of the most dangerous gifts that could be intrusted to an individual; and with all his respect for governor Macquarrie, he would confess, that he should think him something more than human, if, vested with almost uncontrolled authority, his conduct had not been in some degree affected by that circumstance. It commonly had the dangerous effect of shutting up, or of corrupting, the channels of information to him who was so unhappy as to possess it.—The hon. gentleman then detailed the circumstances of a prosecution for a gross libel brought by a captain in New South Wales, against the secretary to the colony, and in which, though a verdict had been found against the defendant, with damages for 200*l.* which by law was irreversible, the secretary had, after trial, given notice that he would appeal to the governor. Of the issue of the business he had not received an account; but he had learned, that the captain had been turned out of the barracks in a most disgraceful manner. The hon. gentleman then proceeded to observe, that he understood that the commission proposed to be sent out consisted of one person only. Now, really, that individual must have more than mortal powers of discernment, if he was to decide at once upon what was the real state of the case, in matters upon which there had been a difference of statement. A greater, a more impossible task he could not conceive. The petition stated several grievances, which, if true, the House, he was sure, would feel itself called upon instantly to remedy. But what would that House say, if he should proceed to state the horrible state of the female convicts, who were wandering about the settlement literally without food or shelter, associating with the male convicts, who were in a state little better than themselves? Those wretched and unhappy women, with tears in their eyes, had repeatedly applied to the magistrates for relief, expressing their detestation of that dreadful subsistence which poverty and want compelled them to resort to. But the best evidence of their deplorable situation would be found in the feeling letter of a magistrate, who had declared, that he would prefer following the many victims which disease and want carried to the grave, than find himself unable to alleviate their sufferings. It had been proposed, some time back, to build a barrack for them; and in February last he (Mr. W.) had received a letter, stating that it was in progress; but what was to be done for their future provision? Unhappily, there were at this moment in the river, 150 female convicts going out to New South Wales. He was anxious for inquiry also, on this additional ground, that governor Macquarrie might be made acquainted with all that was known in this country. It might be, that he had expressed himself with too much warmth respecting that gentleman, and he must frankly state, that it was within his own knowledge that he had been appointed by his noble friend (lord Bathurst) upon nothing like what was called the interest made for him, but solely because he was deemed an able, active, and disinterested man. The House, he was sure, would not fail to keep in mind the difficulties of his situation, and the many examples there had been of good and humane men, who, when placed in offices of great authority, and under little control, had been led into acts altogether incompatible with their former character. It had been remarked, in ancient times, of an eminent individual, "major privato visus dum privatus fuit, et omnium consensu capax imperii, nisi imperasset.' Who was so ignorant as not to know, that this was too generally characteristic of human nature? But it was also to be recollected, that the condition of the persons sent to that colony demanded also their serious consideration. One of the objects for which they were sent was, their amendment, under a system of government which should at least afford some image of the British constitution. It appeared to him, that it would

be prudent to make it an instruction to the committee now sitting, to investigate the state of gaols, to receive information also respecting the circumstances of the settlement in New South Wales. The consequence of such an instruction, he would undertake to say, would be to procure a fund of knowledge in a very few days, which would do more to qualify the commissioner who was going out, for the execution of his office, than any directions that he might receive. He could not forget that we were still sending out cargoes of miserable beings to that distant colony, and it was most important that their passage should be freed, as much as was possible, from those causes of suffering that were in themselves inimical to moral reformation. This remark was not made without some knowledge, that great good had been already effected by the exertions of one or two individuals. He had not intended to say any thing harsh of governor Macquarrie, whom he believed to be a gallant and respectable officer, but the House had a duty to perform, not only to governors and officers in high command, but to those helpless and unhappy persons who could look to no other protection. Upon the whole view of the subject, he concurred in thinking, that the call for investigation was urgent and irresistible.

Sir *James Mackintosh* said, he should consider himself inexcusable, if, after what had taken place, he prolonged the conversation on the subject. The circumstances of the case were such as to call for an immediate and efficient inquiry. The friends of governor Macquarrie, as became their regard for his reputation and their zeal for his honour were loud and unanimous in their call for inquiry. To say a single word more in aid of the argument for inquiry, would be merely a waste of the time of the House. He rose, therefore, for the sole object of avoiding being misunderstood, to repeat his testimony in favour of governor Macquarrie. Having long and intimately known that gentleman, he was bound to state (what he had indeed before stated), that he always considered him a man of high honour and humanity. From all the observations which he had been able to make of governor Macquarries's conduct during the period of his acquaintance with him, he did not think it likely that he would ever be induced to deviate from those principles and from that character, which he maintained at the period to which he alluded.

Mr. *Goulburn* thought it his duty to offer a few observations on the subject. All were agreed as to the propriety of an inquiry into the condition of the colony. The only difference of opinion was, with respect to the precise mode in which that inquiry ought to be conducted. The learned gentleman had stated, and truly stated, that the condition of New South Wales was such as to render some reform necessary; to which, however, the learned gentleman had most justly added, that the imperfections existing in the administration of that colony were attributable more to the peculiar circumstances in which it was placed than to the character of the individual placed at the head of the government. It had been truly observed by the learned gentleman, that at the outset of governor Macquarrie's administration the state of the colony was such as rendered it necessary to invest the governor with greater authority than that possessed by the governor of any other colony. The materials of which that colony was composed were so extremely combustible that it required a strong compressive force to prevent them from bursting into flames. When the learned gentleman drew a distinction between the conduct that ought to be observed towards the convicts and the free settlers, he begged him to recollect, that if it was necessary to discipline with severity those who were sent to the colony for crime, it was necessary that the free part of the inhabitants should be placed under great restraint, with the view of enforcing the regulations against the offending part of the community. He would not enter into the reasons for this. It was evident that if, without any regard to circumstances, the free part of the community were left with power to administer to the vices, or to the excitement of the convict portion of the community, the tranquillity of the colony could not long be maintained. The fact was, that when an insurrection did break out in the colony, the greater part of those by whom it was instigated and conducted were of the class of free settlers. He stated this, not with any view to exempt the governor from the consequences of making any improper use of the authority vested in him, if such improper use had been made; but he wished to impress on the House, that when the laws of the colony were broken, either by settler or by convict, the settler had no right to complain if he was subject

to the same punishment as the convict in similar circumstances. This brought him to the case of one of the petitioners Valentine Blake, a free settler, who with two associates (convicts) was subjected to punishment for a violation of the law of the colony. It had been truly observed, by the learned gentleman, that the grievance of that person had been before stated in the House. If, therefore, it had not been inquired into by the department of his majesty's government in which he had the honour to serve, that department would have been guilty of great neglect. An inquiry had however been instituted. The circumstances appeared to be these: there was a large place in the colony with walls and gates similar to Hyde Park, to which the inhabitants had free access at stated periods. The walls of this park, however, were frequently broken down, and all kinds of improprieties and irregularities were in consequence committed. This practice prevailed for a considerable time without notice; but at last the governor thought it proper to issue a proclamation, that any person found in the act of breaking down the wall, and thereby committing a trespass, should be punished, the punishment for such an offence being in New South Wales corporal punishment. It so happened that this Blake, with his two convict associates, were some time after caught in the act of breaking down the wall, and the governor immediately ordered the denunciation which had been issued to be carried into effect. He repeated that it was, and had been, the constant practice in the colony, to inflict corporal punishment for offences which undoubtedly were not liable to punishment of that nature in this country. This fact was stated in the report of the committee of 1812. As no observation was made on that report, it was natural for governor Macquarrie to conclude, that there was no objection to the practice. He was sure that if the learned gentleman were to ask, as he (Mr. Goulburn) had repeatedly done, those settlers who came from the colony, whether punishment was moderately or immoderately inflicted, he would find their invariable opinion to be, that if any error existed, it was that the punishments were too mild.—With respect to Williams, he had no knowledge whatever of that person's case. It would very properly become one of the subjects of the inquiry about to be instituted. He came now to the topic of the taxation of the colony. As to the duty on spirits, the House perhaps were not aware, that from the very first establishment of the colony, it had been considered of great importance to subject them to a heavy impost; just as in this country the necessity was evident of preventing the introduction of spirits into our gaols and penitentiary houses. That duty in New South Wales was raised or lowered according to the particular circumstances of the time. On a late occasion, several persons had refused to pay the duty, and their representations brought the matter for the first time under the consideration of his majesty's government. He might be accused of negligence in not having sooner adverted to the circumstance. The fact was, however, that when he came to the office which he had the honour to fill, he found those duties in existence, and not understanding that any complaint had been made respecting them, he did not deem it necessary to institute any inquiry as to their legality. When, however, the representations to which he had alluded were made to the colonial department, his noble friend at the head of that department, directed that the case should be referred to the consideration of the law officers of the Crown. Their opinion was consonant to that delivered by the learned gentleman, namely, that the levying of the duty in question was illegal. That opinion had been given only within the last fortnight; and it would be his duty in a short time to submit to the House a measure by which the necessary restraints on the importation of spirits into New South Wales might be legally imposed. In answer to the questions of the learned gentleman with respect to the amount and disposal of the duties, he had to say, that he was not prepared to state the amount, but that the disposal was the same as that in every other colony. In every colony there was a treasurer, who was bound to issue money only on the warrant of the governor. The governor was responsible for the warrants which he gave to his majesty's government, who determined whether the expenses authorised by him were justifiable or not. This had been the practice at New South Wales, as well as at every other colony, and in no case had any inconvenience resulted from it.—Adverting to the commission of inquiry about to proceed to New South Wales, he observed, that the hon. member for Bramber seemed to think that if that commission

were composed of three members, instead of consisting of one, the objects contemplated by it would with more facility be accomplished. He would say nothing of the objection arising to the appointment of many persons in a commission for an inquiry into the state of a distant colony, in consequence of the probability of their disagreement; for of that objection the hon. gentleman appeared to be aware. But he would state to the hon. gentleman what he thought the hon. gentleman had known, namely, the extreme difficulty of procuring any persons for the office who were qualified to execute it. The commission about to be issued was thought of so long ago as 1817. It was then determined upon, and he declared most solemnly that the delay had arisen from the difficulty which his noble friend had experienced in procuring a person who would accept of the office in question. He did not mean to say that there were not plenty of persons who would gladly have accepted the office of commissioner; but the object was, to select an individual who would discharge the duties of that office efficiently. Such a man had been found in the gentleman appointed, and such a man he did not believe the hon. member for Bramber would be able to find, were he to be allowed another year and a half in the search. The secretary to the commission also was so well qualified for the undertaking, that even if any accident were to happen to Mr. Biggs, which he was sure would be deeply to be lamented, that gentleman would be quite competent to complete the object of the commission.

Mr. *Bennet* denied that the governor had the power of punishing civil offences by corporal punishment. By the act of parliament crimes committed in New South Wales could be punished only as similar crimes were punished in this country. The single difference was, that in New South Wales trial by jury was not necessary if the alleged crime were committed by a convict. Corporal punishment was illegally inflicted for a trespass, or for any other civil offence. Having exercised an arbitary power of taxation for upwards of twenty years, the hon. gentleman now came forward and said, at length we find we have been wrong, we ought to have had the sanction of an act of parliament for what we have been doing. For himself, he highly approved of the tax on spirits; his only objection was, to the mode of imposing that tax. He was ready to allow that the tax on spirits was imposed for the purpose of maintaining an orphan school, and other charitable objects; but, however, praiseworthy this object might be, still it did not give a right to take money from the pockets of the subjects. There were also port duties levied. What right had the harbour master to collect any such duties? Did not the hon. gentleman know that a tax was levied on each ship that entered the colony, and on each seaman? At all events, the governor ought not to be suffered to possess the arbitrary power which he had hitherto had. If the governor had had a council, none of the objectionable acts of which they had heard would, he believed, have taken place. A better natured, or a better disposed man than Mr. Macquarrie, he believed, did not exist; this was allowed even by those who complained of having been injured by him. There was something, however, in the nature of arbitrary power that tended to corrupt even the best men. As long as arbitrary power was vested in any individual at the other side of the globe, the House would necessarily be besieged with complaints. Feeling with his hon. friend the necessity of an immediate inquiry into the state of this colony, he gave notice that on Friday next he should move that it be an instruction to the committee on gaols to enter immediately on this investigation.

Mr. *Brougham* said, the common law was the law of New South Wales, as well as of England, with one exception, namely, as to the mode of trial, which was peculiar to that colony, and which it had under an act of parliament. This was not the case in matters of taxation only, but also in all other subjects whatever. The case was different when the Crown conquered a colony *jure belli*, which belligerent right remained in force till the Crown was divested of it. But when Englishmen discovered a country either uninhabited or inhabited only by a handful of people, like New South Wales, these Englishmen carried out with them the law of England. The common law was the birth-right of every Englishman.

Ordered to lie on the table

STATUTE LAW OF SCOTLAND IN DESUETUDE.] Sir *John Newport* said, the subject to which he was about to call the attention of the House was one of very great importance. The object of his mo-

tion was to obtain information as to the state of the law of Scotland, as to what acts of the legislature were deemed by the courts of that country to be in force, and what acts were deemed to be in desuetude. When he had last brought the subject before the House, the learned Lord Advocate had read him a lecture on his ignorance of the laws of Scotland. It had astonished him, and he thought it would astonish every person who did not belong to that part of the empire, to learn that its judges united in themselves judicial and legislative powers; that they had, as was stated by the learned lord, the power of declaring what acts of the legislature were now binding on the people, and what were no longer in force; and that they exercised this power without control. The House ought to know what limits there were to this power of the courts of session and justiciary in Scotland, and whether these acts were binding in the other courts of judicature. He proposed to bring the whole subject before the House, that they might see whether this power, which if exercised at all, ought to be exercised only under the control of the legislature, was really assumed by the courts of session and justiciary. He had adopted the course of moving a naddress to the Prince Regent to derect an inquiry to be made into this subject. This would leave the subject with government. He could anticipate no objection to his motion. He thought that so valuable a part of the empire of which the people were distinguished by their ability, intelligence, spirit and gallantry, ought not to be at the mercy of a court of judicature. He had been told that the judges of Scotland not only declared entire statutes to be in a state of desuetude, but also declared parts of statutes to be in desuetude, while other parts remained in force. Was it to be tolerated, that a great portion of the united kingdom should remain in a state like this? He should therefore move, "That an humble address be presented to his royal highness the Prince Regent, praying that his Royal Highness may be pleased to direct an inquiry to be instituded into the nature, extent, and limits of the power exercised by the lords of session, judges of the court of justiciary, and barons of the exchequer, in Scotland, of declaring any part of the statute law of the land remaining without repeal on the statute book, to be in desuetude, or obsolete, and no longer of force to bind his majesty's subjects of that part of the united kingdom; and, in particular, into the authority from whence such power is derived, into the manner in which the courts of justice promulgate their decisions upon these questions to the people of Scotland, and how far the decisions of any court of justice thereupon are held to bind their successors in such court, and the judges in the other courts of justice, finally and irrevocably; and to pray his royal highness, that the result of such inquiry, together with a list of such statutes, or parts of statutes, as have been declared to be in desuetude, may be laid before the House."

The *Lord Advocate* thought, considering the eulogium which the right hon. baronet had passed on the natives of Scotland, it might have been expected, that if the power so reprobated had been of that grievous description, at least some one of those natives would ere this have raised his voice against it in that House. But, since the year 1707, up to the present moment, no person belonging to that country had ever complained of the power in question. The right hon baronet had proceeded altogether under a misapprehension. In the first place, the courts of session and justiciary never declared that statutes were no longer binding on the natives of Scotland; but it was a fundamental principle, coeval with the law of that country, and a principle in that great code on which the law of Scotland was founded, and which was the law of all the countries of Europe, with the exception of England, namely the civil law, that laws enacted by the legislature, by contrary consuetude fell into desuetude, or became obsolete. The right hon. baronet had stated this as an assumed power contrary to law. But he would read a passage from the principle institutional writer of that country, Mr. Erskine, who stated the law in these terms [Here the learned lord read a passage in which it was declared, that as a posterior statute explained or repealed a former statute, so a posterior custom derogated from the authority of a prior statute.] This principle was also laid down by lord Stair, one of the most constitutional writers Scotland had ever produced. But this matter did not rest with institutional writers, nor the decisions of courts, recognized by the House of Lords; but it was also recognized in the great foundation of

the constitutional liberties of Scotland, the claim of rights, in which one of the grounds on which the parliament of Scotland declared king James had forfeited his crown, was his having prosecuted his subjects on old and obsolete laws. This power was not a subject of complaint with the people of Scotland. They had never raised their voices against it. The judges of Scotland had never yet issued one decree pronouncing any law of the united parliament to be in desuetude; and if gentlemen would look into the statute law of Scotland, which was all contained in three small pocket volumes, they would find many of the statutes not very applicable to the present state of affairs. There was one law which he believed the right hon. baronet was not ambitious of violating; but it did not accord with the sentiments of many of his countrymen, who frequently honoured the people of Scotland with their visits. There was a statute against the importation of the Irish; and every Scotchman was liable to pains and penalties for importing them into the country [a laugh]. There were also laws against the exportation of black cattle or eggs.

Mr. *Hume* considered the inhabitants of Scotland as greatly obliged to the right hon. baronet for the pains he had taken in bringing the laws of Scotland before the House. He was far from thinking that, because no individuals from Scotland had raised their voice against the power in question, there were therefore no grounds of complaint against it. Such was the state of the law of Scotland at this moment, that it was impossible for any man before he went into court to know whether any law was in force or not. But the court of session not only decided what laws were, or were not in force; they passed what were called acts of sederunt, setting aside the law of the land. Lord president Hope had declared that acts of sederunt suspended the law of the land. It had also been stated from the Bench, as appeared from Buchanan's Reports of Remarkable Cases—"I do not care what an act of parliament says on the subject, for I know there is a power paramount to acts of parliament," namely, the court of session. In several cases great injustice had taken place, from the court of session having, by acts of sederunt, declared the provisions of acts of parliament no longer in force. By the Scotch act of 1540, the subjects had a right to bring their grievances before the courts in person; but in consequence of an act of sederunt, no man could go into court with a petition in his hands which had not the signature of a counsel. There were many of the Scots acts which deserved the character given them by the learned lord; but that was an argument for the inquiry proposed by the right hon. baronet.

The *Lord Advocate* explained.

Mr. *Boswell* said, he happened to have the third part of the Scots acts in his pocket; and the hon. gentleman then read a passage from an act of Chas. 2nd, to show that the principle of acts of parliament being derogated by custom was recognized in these statutes themselves. It was one of the evils under which that country had suffered, that statute after statute was passed, without any one having ever been repealed. It had been said, that no individual of Scotland ever complained of this. He, as an individual, and many others, complained of this evil, namely, that a certain body of laws and acts were left in that sort of dubious state, that no person could say what act of parliament was in force and what was not, till it was brought before the court of session, and the matter was argued and the custom proved. It had been said by the learned lord, that many of the laws were absurd; but this was the very objection he had to the system—if these laws were absurd, there was no doubt they ought to be repealed. As every man was bound to know what the law was, he ought to have it in as explicit a state as possible.

Lord *Binning* opposed the motion. If the custom of the judges of declaring laws in desuetude was monstrous, yet it was coeval with the existence of law in Scotland. If lord president Hope had used the expression imputed to him, he was certainly unfit to sit upon the bench. Statutes were declared in desuetude, not by acts of sederunt, but by decisions on special cases, argued by counsel. With these decisions the people of Scotland, the only persons interested, were well satisfied. Not a petition from them had been presented to the House on the subject: whereas, if the laws of Scotland had been attacked in that House, the table would have been covered by petitions.

Lord *A. Hamilton* observed, that if the laws which were liable to be affected by

the power thus exercised by the judges of Scotland, were comprised in three small volumes, it was the more inexcusable that the parliament did not reduce to a certainty what parts should be obeyed, and what should be disregarded. To leave to the judges the facility of doing this, was to invest them with legislative power.

Mr. *Forbes* paid a compliment to the right hon. mover, to whom he thought Scotland was indebted for the inquiry into its courts of justice. The inquiry proposed might do good, and could be productive of no evil.

Mr. *Kennedy* said, that though he was of opinion that the exercise of this power on the part of the Scots judges had been beneficial to the liberties of the people, yet the practice was such an outrage on principle, and so liable to abuse, that he thought the House bound at least to inquire into it.

The House divided: Ayes, 15; Noes, 33.

HOUSE OF COMMONS.

Wednesday, March 24.

London Clergy Bill.] Sir *James Graham* rose, to bring forward his motion regarding the London clergy. He said, he should not move that the report of the committee which had decided on this important question should be then read, but should content himself with stating its substance, which was, that the petitioners had not proved the allegations which were made in their petition. He would, however, mention, that the petition which was thus unceremoniously condemned as unsupported by facts, was signed by the incumbents of 50 different parishes in the city of London, and prayed for such further increase of stipend as the House in its liberality might think proper to grant. In the reign of Henry 8th, the clergy of the metropolis were entitled to 2*s.* 9*d.* in the pound, or to 1*s.* 4½*d.* in every 10*s.* rent. This was taken from them by an act, which was well known in the city of London by the name of the Fire-act; and it was found in 1804, that instead of receiving 2*s.* 9*d.* they were not receiving 4*d.* or 5*d.* in the pound. The legislature in consequence relieved them by raising their stipends to 150*l.*, 160*l.*, 180*l.*, and in some cases to 250*l.* a year. This relief was, however, insufficient; and the clergy, finding that these sums were too small for their support in that rank of life in which it was their lot to move, were obliged to resort once more to parliament for relief. Out of 50 clergymen, who had signed the present petition, 30 performed their respective duties without curates; 16 of them were even without parsonage-houses; and, under these circumstances, they had come forward, not to claim 2*s.* 9*d.* in the pound or any thing like it, but merely such an increase of stipend as parliament in its liberality should say that they ought to have. Their petition referred to the act of the 37th Henry 8th, and to a decree (which had been enrolled in the court of Chancery by certain commissioners appointed under it), enabling the clergy to receive the sums which he had previously mentioned. He had proved this fact by a reference to the statute-book; and therefore could not conceive in what manner the committee had come to a resolution, that the petitioners had not proved the allegations contained in their petition. An hon. gentleman had produced, in order to refute his opinion, not an act of parliament from the statute-book, but an act of common-council from his pocket. Every person who was at all acquainted with our law-books, must have seen many cases in the reports in which this decree, whose existence was denied, was mentioned and referred to. There had been more than a hundred determinations upon it; and he had found a recognition of it in the archives of the city of London. He should conclude with moving for leave to bring in a bill to amend an act passed in the 44th of his present majesty, intituled "An Act for the relief of certain incumbents of Livings in the city of London."

Mr. *D. W. Harvey* said, that the committee had come to an almost unanimous conclusion, that the allegations in the petition of the London clergy had not been at all supported by the evidence which they had produced. In order to have a proper view of the question, it would be requisite to consider what had been the condition of the London clergy previous to the great fire of 1666. Now it was matter of record, that in the reign of Henry 8th, continual quarrels were carried on between the citizens and clergy of London, regarding their tithes, and other fees and emoluments. In order to put an end to the disorders which thus

prevailed in the city, the act of the 37th Hen. 8th established a commission, with full powers to give to their decisions the force of law, if they were enrolled in the High Court of Chancery before the 1st of March, 1545. The same act made their decisions a dead letter, if they were not enrolled in the manner pointed out. Now this enrolment had never taken place; consequently, the decree had never had force, and the petitioners had completely failed in establishing this, the strongest point, in their petition. The decree, as it now stood, was like an award, which every man in the House knew was not final, unless it was made before a given day, and unless before another given day it was made a rule of court. The hon. baronet had indeed produced the act of Henry 8th, and had produced the decree, as if it had been registered, which he could assure the House it never had been. Indeed, if the hon. baronet had consulted the excellent edition of the statutes at large, edited by Messrs. Tomlin and Raithby, he would have found that they had placed at the bottom of this decree a note of the following nature:—"This decree is not enrolled in the court of Chancery, nor in any roll belonging to any other court; neither is it annexed to the roll of the act in the parliament rolls; neither is it to be found in any of the old editions of the statutes themselves; it first appeared in Rastell's abridgment of the statutes, printed in 1555." That decree, then, had never been possessed of any validity, because it had not complied with the provisions of the act, out of which it emanated. The committee had been of this opinion in the proportion of 10 to 3, and had declared their opinion to the country by the resolution into which they had entered. They had been induced also to form such a resolution by the conduct of the clergy themselves. It was clear that they wanted to gain, by progressive acts of parliament, that object which, if declared at once, would disgust the House from the rapacious disposition which it would evince. It was clear that it was nothing less than one-sixth of the rack rental of the city of London which they wished to obtain; and it was because the committee had seen through their intentions, that they had come to the resolution of frustrating them. It might be said, that this was not treating the petitioners liberally: in his opinion they had no right to be liberally treated, inasmuch as they had foisted into their petition the act of Henry the 8th, with which they had nothing to do, except it were to exhibit the craving and rapacious spirit which actuated them. Their claims had been ably weighed and justly settled after the fire of London: he alluded to the statute of the 22nd of Charles 2nd; and he would make bold to say, that in all the actions which had been instituted, from 1666 to 1804, between any clergyman of London and his parishioners, there never had been an instance where the parties quarrelled upon the equity of that statute. The hon. baronet had endeavoured to excite the compassion of the House for these five and thirty poor clergymen; but would the House believe that they were none of them, on an average, receiving less than 500*l.* a year? Twenty-five out of 35 were pluralists, and not a few of them the fattest pluralists of that reverend profession. Yet it was said, that the stipends they obtained from the city were so small, that it was not worth their while to reside; and certain it was, that it much better answered their purpose to reside any where else. These poor clergymen were, perhaps, the best calculators in the metropolis; their care for the souls of the parishioners did not at all interfere with quite as great a care for themselves; and accordingly, instead of occupying the houses belonging to their livings, they found it answer their purposes much better to let them out as counting houses and warehouses, to merchants and manufacturers, who could afford to pay them exorbitant rents. Not a few of the incumbents received annually, 1,200*l.* 1,500*l.* and even 2,000*l.*; and yet, what did they pay their curates? Not more than 60*l.*, 70*l.*, or 80*l.* a year: and some, in an excess of liberality were charitable enough to throw in the surplice fees, amounting to the enormous sum of perhaps 7*l.* or 8*l.* per annum. For these reverend gentlemen, therefore, to come to parliament with the mockery of distress, was neither consistent with truth, nor with the sacred character which they were so well paid to sustain. Under all the circumstances, he hoped the House would think that the committee had come to a correct decision, and that there was no pretence for the motion of the hon. baronet.

Mr. *Dent* put it to the chair, whether it was not only highly indecorous, but

against rule, for any member to come forward with a bill after a committee had reported so decisively against it.

The *Speaker* did not apprehend that the course pursued by the hon. baronet was irregular. He suggested that the subject, if it was thought expedient, might be referred back to the committee.

Mr. *Wrottesley* objected to the mode in which Mr. Harvey had argued the question. Such a speech might have been very proper after the bill was brought in, but was quite uncalled for in the present stage of the proceeding. He insisted that the subject ought to be fully and fairly discussed, after an opportunity of proving their case had been afforded to the petitioners, and that the committee had arrived at an unwarranted and unprecedented conclusion.

Sir *W. de Crespigny* spoke shortly in favour of the motion.

Mr. Alderman *Wood* said, that no instance could be shown where the decree so much talked of had been produced. In the city of London two persons had been employed for a month in making the most diligent search, and though they had discovered a decree of bishop Bonner, which was made for some temporary purpose, they had found no trace of the decree in question. No evidence of its existence had been produced before the committee of the House, but such as was supplied from a modern copy of the statutes. In fact, the common sense of the thing had warranted the conclusion at which the committee had arrived. The clergy made it an allegation in their petition, that they were entitled to 2*s.* 9*d.* in the pound, by a certain decree, and they had been called upon to prove that allegation: they had failed to do so by any competent evidence, and of course the committee could come but to one determination —that the allegation had not been established. The House was probably aware that all the clergy who would de entitled, if any were entitled, had not come forward: some had been prudent enough not to bring themselves and their emoluments before the public; or perhaps some of them might feel how unreasonable it was at the present moment to visit the citizens of London with any fresh infliction. Looking, however, for a moment at those who did thrust themselves forward as claimants for increased stipends, it would be found that they were all well provided for, both in the city and out of it. The clergyman of St. Peter's, Cornhill, received 632*l.* per annum, he was non-resident, and was also vicar of Tottenham: another was paid 481*l.*, another 450*l.*, another 386*l.*, another 376*l.* and another 300*l.* per annum, besides emoluments derived from other benefices, and situations; for instance, the clergyman of Allhallows, had also the living of Stonesfield, and had a stall in a cathedral; another had preferment at Stoke-Newington, and a second at Shrewsbury, while several were minor canons of St. Paul's. Nevertheless, most of these reverend gentlemen employed curates at very low salaries, and because they would not pay enough for men of talent and information to discharge the duties of the pulpit, many of the congregations were put to the heavy expense of paying for evening lectures.

Sir *W. Curtis* said, that the living of St. Peter, Cornhill, was worth only 300*l.* a year.

Mr. *Gipps* hoped the House would allow the merits of the case to be discussed. The clergymen in question had a fair claim on the attention of the legislature, whose duty it was to maintain the character of the church.

Sir *T. Baring* could assure the House, with respect to one of the parishes in question, that of St. Anne and St. Andrew's, Blackfriars, containing a population of above 6,000 souls, that the minister of that parish received only between 2 and 300*l.* a year. An hon. member had spoken of the rapacity of those gentlemen, and had declared that they let their houses for the purpose of profit. He was persuaded that there was not an individual who had signed the petition who would not be ashamed of doing such a thing. He must enter his protest against such random assertions.

Mr. *Wynn* denied that the minister of Allhallows had the ecclesiastical preferment attributed to him by the worthy alderman. There were other clergymen besides those who had applied to the House by the petition in question, who had a plurality of livings; and he could see no reason for making that circumstance a part of the present consideration. With respect to the decree in question, its existence had not been mooted, because it was never doubted. For two centuries it had been acquiesced in, which was quite sufficient to rebut the circumstance of the decree not having been found enrolled. The question was, whether or not the

parties had placed themselves in such a situation as was consistent with the rules and orders of the House? He was himself inclined to say, that the report of the committee was sufficient to justify the bringing in of the bill. When the bill was before the House, that would be the time to enter into all the arguments on the main question, and to ascertain whether the benefits enjoyed by the petitioners were all to which they were entitled.

Mr. Alderman *Waithman* said, that if the House had entered into a premature inquiry into the condition of the clergymen in question, it was indebted for the excursion to the hon. baronet. With respect to the situation of those clergymen, there were several things to be taken into consideration. A great difference existed both in the size of the parishes and in the stipends attached to them. The beneficial things annexed ought also to be taken into the account. As to the parish of St. Anne's, Blackfriars, it seemed to him very extraordinary that the minister of that parish should be found among the petitioners. That minister had but recently been presented with the living, by the parish; but no sooner was he seated in it, then he turned round and asked parliament to lay a tax upon his parishioners. As to St. Peter's, Cornhill, that living was in the disposal of the corporation of London; and he recollected having been warmly solicited, not long ago, for his interest; and now the minister of that parish, enjoying another living, came to the House and asked it to tax his parishioners [Question! Question!]. He was sorry to obtrude on the time of the House. He would be the last man, on his own account, to force himself on their notice; he would rather forego addressing them altogether. But he trusted he should never want sufficient confidence to stand up for his rights, not as an individual, but as one of the representatives of the British metropolis. Having been a member of the committee to whom the petition was referred, he knew that the question was neither more nor less than this:—The petitioners asserted, that before the fire in London in 1666, the incumbents of the parishes in question were entitled, under the act of the 37th Henry 8th, to a payment in lieu of tithes of 2*s.* 9*d.* in the pound. He thought that this allegation was not true. He was sure that it had not been proved. Whatever might have been the decision of the court of Chancery on the subject, he had a right to say, that in his opinion that decision was erroneous. The petitioners having founded their claim on the existence of the decree, the committee had a right to ask, if that decree had been enrolled, when it appeared that it never had. To talk of the situation of these gentlemen was beside the question. They had different emoluments. If any of them were sufficiently provided for, let them come forward and make that statement. Here, however, was a set of gentlemen combining at the solicitation of one individual (with the exception of sixteen or seventeen honest men) in order to establish a common claim.—[Loud cries of Question! question! and coughing]. It was a claim which had no foundation. The 2*s.* 9*d.* in the pound was not granted in lieu of tithes. At the time when it was granted, the clergy of London had several expensive duties to perform. They had to maintain the poor; they had to repair the churches. The statute of Charles 2nd contained no recognition of the decree on which the petitioners founded their present claim. So lately as in 1804, the petitioners had made an application to parliament, and had obtained a large increase of their emoluments, not founded on the decree in question. The grave reason assigned for the measure was the pressure of the property tax. That no longer existed; so that, in point of fact, the clergy of London were at present in a better condition than they were in at that period. He conceived that when a claim was brought forward the effect of which was to excite discord and ill-blood in the city of London, the committee were perfectly justified in availing themselves of the imperfect statement of the allegations in the petition, in order to make the report which they had submitted to the House.

Mr. *Peel* said, that the committee above stairs was appointed in order to ascertain whether or not the standing orders had been complied with by the petitioners, and nothing more. To that the committee ought to have confined their report. What monstrous consequences might ensue, if a committee above stairs, so appointed, were allowed to come to a decision which should preclude the House from forming any opinion on a subject submitted to them! Let the House consider how such a committee was constituted. It did not consist of a definite number of members. It was not a select committee appointed

*

by the House. All the parties who chose to come to it had voices. The consequence, therefore, would be, that if such a precedent as the present were established, the parties adverse to the prayer of a petition would have nothing to do but to attend the committee, and to combine in the report to the House, that the allegations of the petition had not been proved; and on that the House was to be precluded from considering the case! The House must see, therefore, the importance of the point; they must see what would be the inevitable consequence of allowing a committee above stairs to exceed its powers, and to report an opinion on the merits of a case referred to them solely for the purpose of ascertaining whether or not the standing orders with reference to it had been complied with.

Mr. *Wilberforce* considered a committee above stairs as of the nature of a grand jury, constituted for the purpose of enabling parties petitioning the House to bring forward their own proofs of their own allegations. He could not but say that there appeared to him to be some suspicion in the circumstance of the strong opposition, contrary to all usage, made to the present stage of the proceeding. It would be a most dangerous precedent to allow a committee above stairs to stifle a petition referred to them, without allowing the House any opportunity of examining its merits; and this the more especially, as the committees above stairs were certainly not one of the best parts of the system of the House of Commons. Nothing could be more contrary to justice and to the established usage of parliament, than for a committee constituted as the committee in question had been, to enter into the merits of a petition referred to them, merely to ascertain whether or not the standing orders respecting it had been complied with, and to report that the allegations of the petitioners had not been proved. He was astonished to hear the transactions and circumstances of private life gone into by more than one hon. member; for he was persuaded that was a kind of discussion in which the House would not indulge. All unnecessary inquisition into private affairs ought to be avoided. One of the greatest grievances of the property tax was its scrutinising and inquisitorial character. The House had been told, that the claims of the petitioners ought not to be granted because they were otherwise provided for. He was always desirous to see the clergy well provided for. Nothing could be more indecorous, more cruel, than to leave the clergy—men of expensive education—men employed in the religious instruction of a highly civilised and refined society—with means so narrow as to render them the objects of pity, by the members not of the other professions only, but of the other occupations of life; and then, if they endeavoured to amend their condition by obtaining other sources of income, to exclaim against them as pluralists, not entitled to any such increase of emolument. It had been asked, whether it would not have been better had these gentlemen applied to their respective parishes instead of to the House of Commons? He thought not. He thought it would have been unworthy of them to have done so. It would have been to put their claims on the ground of individual favour, rather than of undoubted right. There were no persons for whom a reasonable provision, such as would enable them to meet their parishioners on equal terms, ought with more cheerfulness to be made than the clergy of the city of London. He confessed that he was disgusted to hear general declarations of attachment to the church from those who, when the subject came to be particularly considered, manifested a reluctance to the increase of a pittance, which would not be deemed a provision for a person in any other line of life whatever.

Mr. *Plunkett*, as the committee had exceeded their authority by entering on an inquiry to which they were not competent, thought that the best mode of remedy would be to send the report back to be re-considered, and to be rendered more conformable to the orders of the House.

The *Speaker* observed, that when he had stated to the House that it was not the practice to make such a motion as that proposed by the hon. baronet, on the report of the committee, he had accompanied that statement by another, namely, that he believed there was no instance of such a report having been presented. Consequently there could be no instance of any subsequent proceeding on such a report. In the formation of different committees, the House used different and set terms. When an opinion was required from a committee, that was expressly declared in the vote by which it was constituted. That the claims of a petitioner were good or not good—that the allega-

tions contained in a petition were proved or not proved—those were opinions which a committee, constituted as the committee in question had been, were not authorised to report to the House. Such a committee was to be regulated by the two standing orders to which he had already referred. By the first they were required to see if the standing orders of the House had been complied with, and to report the matter of the petition to the House. By the second, they were precluded from hearing the adversaries to the petition. This last order rendered it obviously impossible that the House should call on such a committee, to inquire whether or not the allegations of a petition were proved, since they were precluded from hearing more than one side of the question. Such a committee was not only not bound to give an opinion—it was not capable of giving an opinion. It was merely the channel for communicating information to the House, with which information the House had afterwards to deal as it thought proper. There were three courses to be pursued with respect to the report, which would be consistent with the forms of the House. The first was, to ask leave at once to bring in a bill. A more ordinary course, where there had been an irregularity, was to recommit the report. The third course was to disagree with the report, to resolve that the allegations of the petition were proved, and then to ask leave to bring in a bill. The House would feel that it was of the utmost importance to ascertain the duties of committees, and not to expect that they would give opinions, when it was not referred to them to do so.

Mr. *Wynn* thought that the best way of getting rid of the report was simply to disagree with it, and to give leave at once to bring in the bill.

The *Speaker* submitted to the House, that to give leave to bring in a bill would be in itself to disagree with the report. Simply to disagree with the report, without a resolution that the allegations of the petition were proved, would be to raise a doubt whether or not the committee were empowered to give an opinion on the merits of the petition.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Thursday, March 25.

Mr. *Sturges Bourne*, in moving for leave to bring in a bill to regulate the Settlement of the Poor, observed, that it might be necessary, in order to render the subject perfectly intelligible, that he should treat it somewhat historically; the first statute establishing a compulsory assessment for the poor was the 14th Eliz., which was farther regulated by the 43rd, Eliz., and the law remained unaltered until the 13th and 14th Car. 2nd, which was in truth the foundation of the superstructure which had spread so wide, and excited so much dissatisfaction. It was required, among other things, by this last statute, that before a settlement could be gained by a pauper, by a residence of forty days, he must give notice in the church of his coming to reside. This enactment imposed heavy fetters upon the free circulation of labour, and by an act of William 3rd certificates from parish officers were substituted. As these certificates were granted or refused, at the option of the overseers, the evil was only partially removed, and, down to a very late date, and through what were called the best times, it had continued in the power of parish-officers to remove any labourer or family, without cause assigned, from one end of the kingdom to the other. This immense power was, however, partly restrained by Mr. Rose's bill for the encouragement of friendly societies, in 1793, and farther limited by Mr. East's act of 1795, which, although making a most important change, and doing more for the benefit of the lower classes than had been accomplished since the Revolution, had passed *sub silentio*, without any expression of national gratitude. The great reduction in the wages of the poor within the last few years had, however, had the effect of reducing things to nearly the same condition as before 1795; and the intricacies in which settlements were involved were all restored. The evils attending the present system were threefold:—1. The enormous expenses incurred by parishes, in prosecuting or defending appeals, and in removing paupers; 2. The injustice under which parishes laboured, to which old paupers were sent back, after they had spent their youth and strength elsewhere; 3. The hardship upon the paupers who, having resided many years, and formed connexions at a distance, were sent home to their parishes, and separated from all their friends and consolations to die in a remote poor-house. This last was by far

the greatest evil, though all three required removal. Some maintained that the better mode would be to do away with settlements entirely, and to make the maintenance depend upon the national funds; whilst others contended, that the settlement ought in all cases to be reduced to the place of birth. The first of these proposals would be open to innumerable and insurmountable objections, and the last would at least not remedy two of the three evils he had pointed out. What he proposed was, that as settlement was now gained by residence combined with other circumstances, in future it should be acquired by residence only, and the difficulty was to fix what period of residence should confer a settlement. In the bill he should introduce, he should propose that three years residence in a parish should gain a settlement to a pauper; but as a blank would be left in the bill, it might be filled up with five years or otherwise, as might be deemed most expedient in the committee. This new regulation would simplify greatly the whole subject, without interfering with what were known by the name of derivative settlements. A separation of an aged pauper from his friends and neighbours would then be avoided; provided, within a certain period, he went before a magistrate and made oath to his residence. In case of dispute, he proposed that an appeal should lie, not to the quarter sessions, but to two magistrates, by which much expensive litigation would be spared. Another point to be settled would be, what period of absence should defeat the settlement: he thought 60 days too short, and should suggest that the blank should be filled up with 90 days. This was the general outline of the measure which he had to submit to the House. The adoption of it would only be resorting to a principle already established in Scotland, and one that was recommended by Dr. Burn, as other distinguished individuals. He should now conclude by moving "for leave to bring in a bill to regulate the Settlement of the Poor."

Mr. *Atkyns Wright* feared that the principle of allowing parties to gain a settlement for themselves by residence, would be attended with many mischievous consequences.

Mr. *Curwen* said, that the general outline of the measure corresponded with his own ideas of what might be beneficially done upon this branch of the subject. To him it appeared equally cruel and unjust to refuse a settlement to those whom long service or residence in a particular place had inspired with a desire of obtaining it. If the bill which had already passed that House should become a law, he did not see how they could withhold their sanction from the present. He feared, however, that a good deal of opposition might be expected from the large towns, in which it was not uncommon to see the poor, the better part of whose lives had been worn out in them, sent back to their native parishes. The bill would likewise tend greatly, in his opinion, to diminish litigation.

Mr. *Western* was decidedly in favour of the principle of the bill, its object being, as he understood, to facilitate to the labourer, the means of carrying his industry to the most advantageous market, and to prevent his being torn from the place where he found it his interest or his happiness to reside. So far the measure had his approbation—it would render the inquiry before the magistrate simple and easy of determination, and must necessarily put an end to a great deal of the existing system of litigation. At the same time, he was not prepared to say, that it would not open other sources of litigation, and give rise to fresh difficulties in practice. He knew no satisfactory reason why the poor should not be permitted, without the forfeiture of any legal benefit, to repair from one place to another, according to the demand for their labour. This, it might be urged, would be incompatible with the system of affording parochial relief; but he still looked forward with hope to some radical improvement of that system. It was a system most injurious to the poor themselves, and rendered the wages which they received, even with the addition of the poor-rates, a much more inadequate reward than they would otherwise obtain. Many suggestions had been thrown out, and amongst others, one proposed, that the rate should be limited to its present amount, and that no farther assessment should be made. The effect of such an enactment would be, to prevent all that competition between different parishes, which had long been productive of so many evils. But to the poor themselves it would be an inestimable advantage to find a free market open to their labour, the price of which was now depressed, and in fact placed in the hands of the magistrate. Its value must always depend

on the general prosperity of the country, and every interference to regulate it always ended in doing mischief to those whose cause was intended to be espoused. If it were now proposed to regulate the price of provisions, the proposition would be regarded as insane, for it was known that all former attempts to accomplish such an object had uniformly served to enhance the price. The same principle was equally applicable to labour, and he most earnestly desired to see the same freedom of circulation restored to it.

Leave was given to bring in the bill.

Poor Rates Misapplication Bill.] Mr. *Sturges Bourne* next moved for leave to bring in a bill to prevent the Misapplication of the Poor Rates.—A similar bill had, he said, been under the consideration of the last parliament, but there had not been sufficient time for correcting and modifying its objectionable clauses. This he hoped would be now found to have been done, and that it was not ill calculated to produce its end, which was to prevent a very considerable misapplication of the poor rates. The House must be well aware, that one of the greatest evils arising out of the present system, was the payment of the wages of labour out of those rates. A man with, perhaps, a family of six children, represented to the parish officers that he was not able to maintain more than two. By the acts of Elizabeth and of George 1st, there was a case in which the children above the number of two, ought to be set to work in the parish workhouse; but, under all the circumstances, it was not surprising that this practice should not be resorted to. The bill was intended to provide for placing these children to work and sustaining them, instead of giving to their parents a relief which was often squandered and not applied to the benefit of the children. This conduct of parents was not, indeed, of new occurrence; it had been remarked in the reign of William 3rd by Mr. Locke, who had recommended the regulation adopted in the present measure. The experiment had been made in some parishes, and the applications for relief had become less numerous. One advantage would certainly be gained in the due application of the funds, and a third and more material one would be realized in those parishes where charitable institutions existed, by placing the children in schools where industry might be combined with education. He thought it must be an overstrained humanity which would urge that there was any thing harsh in separating children from parents who could not feed, much less educate them. It must be recollected, that persons in a higher sphere of life placed their offspring at some distance from their home for the purpose of instruction, and not unfrequently sent them out of the realm. The bill would also provide, that no relief should, for the future, be given to any able-bodied labourer in employment—a provision which, he hoped, would point out the necessity of granting him more adequate wages.

Mr. *N. Calvert* highly approved of the proposed measure. It was the practice in many parishes to allow two shillings a-week for every child above two. The consequence was, that where such an allowance was made, the parents seldom exerted themselves to procure work. In the parish in which he resided, there was no such allowance, and the consequence was, that there was no distress.

Mr. *Mansfield* was convinced that the principle of prohibiting any allowance to employed labourers in parishes where the children of the poor were maintained and educated, would be impracticable in the district with which he was most acquainted; and in which the wages of labour were very scanty and insufficient. He was a member of a committee above stairs, in which a certain class of workmen had proved, that although fully employed, it was impossible for the best hands, even when labouring for seventeen hours in the day, to earn more then six or seven shillings a week. Now, if there was an act of parliament prohibiting magistrates from granting such individuals relief from the poor rates, what would become of them?

Mr. *Ricardo* thought, that the two great evils for which it was desirable to provide a remedy, were, the tendency towards a redundant population, and the inadequacy of the wages to the support of the labouring classes; and he apprehended, that the measure now proposed would not afford any security against the continuance of these evils. On the contrary, he thought that, if a provision were made for all the children of the poor, it would only increase the evil; for if parents felt assured that an asylum would be provided for their children, in which they would be treated with humanity and ten-

derness, there would then be no check to that increase of population which was so apt to take place among the labouring classes. With regard to the other evil, the inadequacy of the wages, it ought to be remembered, that if this measure should have the effect of raising them, they would still be no more than the wages of a single man, and would never rise so high as to afford a provision for a man with a family.

Leave was given to bring in the bill.

FRIENDLY AND PAROCHIAL BENEFIT SOCIETIES.] Mr. *Thomas Courtenay*, in rising to move for leave to bring in a bill for the further encouragement and protection of Friendly Societies, combatted the arguments of those who had expressed opinions hostile to the principle on which those societies were formed. Of late years it had been said by high authority, by Mr. Malthus, Mr. Davison, and lastly by one of whom he was bound to speak with peculiar respect, Mr. Copleston, that to encourage poor people to lay by their earnings under an ensurance of this nature, was a bad thing; and that those whose property was very small should not enter into a mutual guarantee. He thought, that the smaller the property, the greater was the necessity of insuring; he would illustrate his opinion by what was familiar to him officially. The East India Company did not ensure, because the amount of the ensurance upon their great concerns, would be equal to the whole loss that could in any probability fall upon them; but he who had ventured his on a single brig, would be very unwise if he did not ensure it lest, as Mr. Davison had said, he might, if his voyage proved favourable, find that he had subscribed to the repair of another's fortune! In like manner, a rich landlord had no need to ensure against the expenses of sickness; but a labourer, although if he enjoyed uninterrupted health, might have made a bad speculation in subscribing his savings to a Friendly Society, would, on the other hand, if he should be disabled by sickness, lose, without this precaution, his whole means of subsistence at once. Although he was confident that Friendly Societies were of the greatest use to the community, it was, nevertheless, well known that they were open to many abuses. In the first place, some of those societies had been founded on erroneous calculation; the result either of the want of accurate tables, or of the sanguineness or ignorance, or it might be in some cases the design of those by whom they were established. The remedy he proposed was, that the formation of those societies should be under the more vigilant and attentive superintendance of the magistrates at the quarter sessions, entertaining, as he did, no doubt that at every quarter sessions, two or three magistrates would be found who would be induced to give their attention to the subject. As to the calculations on which such societies were founded, he intended to propose, that two or three of the principal actuaries in London should be employed in framing them, and that without their previous opinion, the magistrates should interfere to prevent the formation of any new society. There were many persons who objected to the meeting of these societies at public houses. The superintendance of the magistrates at the quarter sessions might perhaps be exercised in abolishing this practice. But he owned that he could not see the necessity of prohibiting the poorer class from having those little convivial assemblies, without which, in this metropolis, no Lying-in-hospital or other public institution could be supported. It had been asserted, that these societies were frequently made the pretext for meetings, the purpose of which was the combination of workmen for illegal purposes. If such was really the fact, the measures which he proposed would at least make such abuses more difficult. These combinations could not be prevented, although Friendly Societies, innocent in their purposes, were to lose the protection of the law. He wished the House to understand, that all he contended for was, to allow those who chose to secure their earnings in this manner, as others did in savings banks. It was a great satisfaction for him to know, that he who was entitled to the greatest praise from his country for his exertions in the establishment of savings banks, and who had published a book on the subject, had declared his opinion of the total incompetency of savings banks alone; but had proposed to him, before the committee on the poor-laws, that they should be united to friendly societies. He alluded to Mr. Duncan, who had been called the father of savings banks. It might be convenient, that he should say a few words with respect to the other bill—for the establishment of Parochial Benefit societies—which he was about to ask leave to bring in. Many persons thought this

mode of providing for the wants of the poor so desirable, that its operation ought not to be left to the voluntary acts of individuals, but that the poor should be compelled to resort to it. It had been proposed to establish this compulsion by inviting persons to enter into such societies, and then by refusing parochial relief to those who had not done so. He had brought in a bill on the subject last year. He hoped to be permitted to do the same now. He would fairly say, however, that he saw so many difficulties in the way of framing an unexceptionable measure, that he would not anticipate that in the progress of the bill through the House it would be so rendered. After some farther details of the objects and provisions of this bill, the hon. gentleman moved for leave to bring in his first bill, that which related to the further encouragement of friendly societies.

Sir *Gerard Noel* stated several inconveniences that arose in parishes in which friendly societies were established; and especially directed the notice of the hon. gentleman to this evil, namely, that in some parishes where there were these societies, parochial aid was frequently refused to a sick man if he belonged to them.

Mr. *Courtenay* thought, that according to the only principle upon which the poor laws could be defended, relief ought to be withholden from any man to whom, from whatever cause, it was otherwise than absolutely necessary for his maintenance.

Leave was given to bring in the bills.

HOUSE OF LORDS.

Friday, March 26.

State of the Navy.] The Earl of *Darnley* said, he understood the motions he was about to bring forward would not be opposed, and he should therefore merely state, in a few words, his reason for making them. He was fully aware of the necessity for economy in every branch of the public service, but if there was any one branch more than another that the public would feel least disposed to stint, it was the naval service, and he thought it would be found that this service had been reduced too low; for he was afraid, from the late arrangements with respect to the guard-ships, that if the occasion required, not even two ships, of the line could be sent to sea properly manned and equipped. He was also induced to believe, that in the building of the ships all the improvements had not yet been introduced, which were calculated to place them in a proper state of efficiency, when wanted. He then moved for accounts of the number of ships in commission, those that had been repaired, those that were building, &c.

Lord *Melville* had no objection to the motions, nor the least disinclination to meet any inquiry upon the subject. He could confidently assert, that the navy was now in a more efficient state than it had been at a similar period after any former war; and so far from the naval establishment being reduced, the number of seamen now employed was greater than in any former peace; the number on former occasions having been 16,000, whilst it was now 20,000.

The Earl of *Liverpool* warmly eulogized the conduct of his noble friend and the board of Admiralty, in placing the navy in the efficient state in which it undoubtedly was. The noble earl, perhaps, meant to allude to the employment of a part of the seamen in the prevention of smuggling; but he could assure the House, that the advantages arising from that measure had exceeded expectation, as was proved by the amount of revenue in the two great articles of illicit trade, tea and spirits. So successful, indeed, had the seamen been upon this service, that the government had been enabled to reduce some of the regiments of cavalry hitherto employed on it.

The motions were agreed to.

Royal Household Bill.] The Earl of *Liverpool*, on moving the second reading of the Royal Household Bill, said, he should merely shortly state the object of the bill, as he understood no opposition was intended to the principle of it. The saving made in the establishment of the Royal Household, by the regulations of the present bill, amounted to 50,000*l.* per annum, exclusive of 58,000*l.* per annum for the establishment of the late queen; from the latter were to be deducted the salaries and allowances given to her late majesty's servants, which amounted to 18,000*l.* per annum: thus, the whole saving would not be less than 90,000*l.* per annum. His lordship then adverted to the establishment for the Royal Household, agreed upon at the commencement of the regency, observing, that it was then made

with reference not only to the afflicted state of the king, but also to the situation of the queen, and with reference also to the consideration that her majesty would, in case of her surviving the king, be entitled to 100,000*l.* per annum, although it was not deemed expedient to consider her in any other character than as queen consort. Since that period, eight years had elapsed; and in consequence of her majesty's demise, and the much less probability of the recovery of the king, it had been deemed adviseable to reduce the establishment, but still keeping up what was due to his dignity as sovereign, as well as to his afflicted state. In this view, the reduction had been made on the lowest possible scale; and, indeed, whatever difference of opinion had at first prevailed in another place upon this subject, all were agreed, that no farther reduction could be made, consistently with a due and proper regard to the afflicted situation of the king, and with those feelings of loyalty and affection with which, he doubted not, all were actuated towards the person of our venerated sovereign. There were some minor points of detail, upon which he differed with the other House, thinking that the reduction had been in some respects carried too far; but into this part of the subject he should not enter. There was another point also, which more properly belonged to the committee; he alluded to the grant of 10,000*l.* per annum to the duke of York, as custos personæ, and which was the same amount that had been granted in a similar situation to the late queen. He was aware that objections had been urged to this, and he owed it to the duke of York to state, that his royal highness had not sought for any such allowance; nor was there any doubt that, without any such allowance, his royal highness would execute the trust reposed in him with all the fidelity and attention that the warmest affection could dictate. But his royal highness had other highly-important duties to execute, which precluded his residence at Windsor; and there must be a certain expense incurred in the execution of the trust; to what amount he could not with any precision state, but undoubtedly parliament having thought it right to give the queen 10,000*l.* per annum as custos personæ, there could be no question that the duke of York was fully entitled to that allowance.

Earl *Grey* said, he did not rise to oppose the second reading of the bill, being satisfied with it so far as it went upon a principle of reduction, which was so highly essential in the present distressed state of the country, and which, if it could be carried still farther, it would be still more satisfactory to him. In saying this, he meant nothing derogatory to the monarch; sincere and affectionate loyalty to his sovereign, compassion for his afflictions, respect for his age, induced him to wish that sovereign to have every comfort that his state required, and to have every appendage of dignity consistent with his afflicted situation; but he would grant nothing on the delusive pretence of dignity, which formed so melancholy a contrast with the actual affliction of his situation. The noble lord had alluded to what had passed in another place, and he (lord Grey) might regularly do so, because the Votes of the other House, and other documents, were before their lordships. He found, by those documents, that in the other House it had been thought expedient to refer this subject to a committee; and he could not but think, that the delicacy of the subject, and the respect due to their lordships, called for a similar proceeding in that House; or at least, if that was not thought expedient, they might have sent a message to the other House, requesting a copy of the report of their committee, which would have given them some information as to the details which had been investigated. Instead of this, however, they were called upon, without information, to vote upon the bill; and though he undoubtedly rejoiced in the saving that was made, he should wish to know, whether that reduction could be still farther consistently extended; every saving, however minute, being imperiously called for by the distressed situation of the country. The question also still remained, why the reduction of the Windsor establishment had not before taken place? for no reason had been stated by the noble earl for the reduction now, in consequence of the demise of the queen, which did not equally apply to it during the life-time of her majesty, and the propriety of which reduction he (lord Grey) had often urged in that House. With regard to the allowance of 10,000*l.* per annum to the duke of York, it was a subject to which he adverted with very considerable pain. He highly respected the duke for his public services; he highly esteemed him for his private virtues; but no consideration should induce him to shrink from the dis-

charge of a public duty; and that public duty undoubtedly compelled him to oppose the allowance. He could not, indeed, but painfully regret, that such a question had been dragged forward, tending, as it did, so deeply to injure the duke in the public estimation, the public every where considering it as prejudicial to their interests and insulting to their understandings. Nothing had been urged by the noble earl that could in any way justify such a grant; and when he considered the only plea that had been brought forward, the expense of the office of custos, he could not but view it as obtaining a grant of 10,000*l.* a year under a false pretence. The noble earl had endeavoured also to justify the grant on the ground of the same allowance having been given to her late majesty; but to this he would say, that in not opposing that grant to her late majesty, he was guilty of a great oversight; but undoubtedly he considered it as unjustifiable equally with the present proposal, and the very argument itself showed the danger of making a precedent of this nature, which was thus brought forward to justify a measure contrary to justice, and which might be adduced in the same way to sanction other measures of the same tendency. He could not but deeply regret, that such a measure had been at all brought forward. The noble earl might not be acquainted with the effect produced by it in the country, but he could assure him, that that impression was the most unfavourable that any proposition could have given rise to.

The Earl of *Harrowby* was sensible that the subject to which the noble earl had alluded in the latter part of his speech, was one which would best be discussed in the committee. It would then be for their lordships to consider, whether the proposition was hostile to the interests and insulting to the understanding of the public, as the noble earl called it, or one called for by a sense of justice, and of what was due to the dignity of the Crown. According to the principle laid down by the noble lord, it would be necessary for parliament to institute an investigation, in order to see how low the establishment at Windsor could be reduced, if all regard to decorum and dignity were set aside. The noble earl was willing to allow whatever might be necessary for the comfort of the royal sufferer, but nothing more. He trusted their lordships would never pass the bill under the idea that it was limited to such an object. The principle laid down by the noble earl amounted merely to this: that if their lordships provided food, lodging, and medical assistance for his majesty, under his present calamity, they sufficiently discharged their duty. Thus, that rule of provision which would be too narrow for the guidance of a dutiful son or an affectionate relative, was to be thought perfectly well suited to their lordships' feelings in arranging an establishment for the sovereign of this great country They were not then called upon to calculate whether the establishment might be 2,000*l.* or 3,000*l.* more or less. He stated no more than fact when he thus spoke; for if once their lordships were to consider that parliament was bound only to provide for the necessary wants, and attend to the personal comforts of the king, knowing, as they did, that nothing more was necessary to be done for the king in this respect than for any private individual, they would lower the respect of the people for the throne, and place the sovereign on a level with the meanest of his subjects. Their lordships should enter on the consideration of this measure, impressed with the idea that they were providing, not for the care and custody of an individual, but for the state and dignity of the sovereign, so far as that state and dignity could be consulted consistently with his majesty's unhappy situation, and the burthened condition of the country; animated with sentiments of regret, that the anticipation of his recovery, which at first made a more splendid establishment necessary, was now no longer entertained; lamenting that the nation could not continue, when that hope had expired, what it supported when that hope existed; and regretting that considerations of economy, and a regard for the distresses of the people, rendered the reductions necessary which had been proposed. Those reductions were most ample; but they did not affect the principle, that the present establishment was proposed for majesty, and ought to be supported as necessary to the dignity of the Crown, and the reverence due to the head of the government of the country.

Earl *Grey* said, that in the whole of his parliamentary life he had never heard any thing more unnecessary, more unwarranted, and more out of place, than the remarks of the noble earl about his loyalty. He had used no expressions which could furnish a pretext for the

loyal effusion which their lordships had just heard. He could not pledge his memory as to the particular words he had used; but, so far as he recollected, he had said, that with every sentiment of reverence for his afflicted sovereign that could be inspired by the virtues of his life or the eminence of his station, he would support any expense that was essential to the maintenance of his dignity. He only protested against that false plea of dignity which was brought to justify an extravagance which the people could ill bear, and to maintain an useless splendor, which contrasted so inharmoniously with the real circumstances of his majesty.

The Earl of *Harrowby* said, he had certainly misapprehended the noble earl; for he had understood him to say, that his consent to the bill would depend solely on the reductions of the royal establishment it contained, and the relief to the country which it administered.

The bill was then read a second time.

HOUSE OF COMMONS.

Friday, March 26.

Royal Burghs of Scotland.] Sir *James Mackintosh* presented a petition from the royal burgh of Dumfries, complaining of the present system of electing magistrates in that burgh. The petition, he took upon himself to say, was signed by its most respectable inhabitants; and, he felt himself bound in justice to add, that the principles on which they prayed for redress, were strictly constitutional, and unmixed with any of those wild and visionary theories which had so much abused the cause of reform. The population of the royal burghs was 480,000. Of these 410,000 had petitioned for a reform in the present system. Of the remaining 70,000, it was to be observed, that though they had not petitioned in favour of such a measure, yet they had not sent up a single petition, or signed a solitary resolution against it, however dependent any part of them might be supposed to be on the will of those who wished to preserve the present system. If ever, therefore, there was a question on which the public voice of those interested in the issue was most unequivocally declared, it was that to which the petition adverted.

Mr. *Maitland* said, that the more this subject was agitated and discussed, the more evident would appear the general opinion of the people of Scotland in favour of a reform, which should put an end to the notorious grievances of which these petitioners complained.

Ordered to lie on the table.

New South Wales.] Mr. *Bennet* rose, pursuant to his notice of moving the House to instruct the committee on gaols to take into consideration the state of New South Wales. He was happy to inform the House, that there was no occasion for him to proceed with his motion, as the committee had come to a resolution of turning their attention to the subject without any delay.

Breach of Privilege.—Complaint respecting the Arrest of Thomas Stinton.] Lord *Althorp* solicited the attention of the House, whilst he detailed to it a most gross violation of its privileges, which had lately occurred. A soldier of the first regiment of guards, named Stinton, had been summoned to attend and give evidence before the committee on the Worcester election. He had attended, and had been examined on Saturday last. As he was retiring from the room in which the committee sat, and was crossing the lobby of the House, he was arrested by a sergeant of the guards, for a military offence which he had committed; that offence was his absence from parade, in consequence of his attendance at the House of Commons. The committee, on hearing of the circumstance, had not taken any immediate notice of it; because they thought that when the soldier's conduct was explained to his officers, nothing would be done to punish him. Since that time, the man had been tried by a court martial, though sentence had not, he believed, been passed upon him. He thought that such a transaction was well worthy of their consideration: for his own part, he must denounce it as a most flagrant breach of privilege to arrest in the precincts of the House, any witness who was in attendance pursuant to its orders. They ought in all cases to punish with severity any breach of their privileges; but still more so, when the breach was committed by military authority.

Colonel *Townshend* said, that Stinton had not been punished in consequence of his absence from parade; he had behaved ill in many other respects; had endeavoured to escape from the serjeant who had arrested him; and, in consequence, had been brought to a court-martial. What

the sentence of that court was he could not say.

Sir *M. W. Ridley* thought that such an outrage ought to be marked by the censure of the House on the individual who had been guilty of it.

Mr. *Tierney* said, that the real question was, whether the soldier had or had not been arrested whilst he was in attendance upon a summons from a committee of the House. Now it appeared that he had been so arrested, and arrested also in the precincts of the House. The serjeant, therefore, who had arrested him, had certainly transgressed against their privileges.

Mr. *Beckett* admitted that the House should take notice of the proceeding, but believed that the offence for which the soldier was tried was wholly of a military nature.

Mr. *Bennet* observed, that as the soldier had been illegally arrested in the first instance, he did not see why he should be punished for an attempted escape from an arrest which, in point of law, was no arrest at all. He also maintained, that, as the arrest was illegal, any punishment inflicted on the soldier, for his endeavour to escape from that arrest, would be highly illegal. For his own part he should wish to see the minutes of the court-martial.

Sir *C. Monck* considered this a violation of a most important privilege. The House was bound to protect its witnesses, and in doing so it only exerted the same power which every court of justice possessed, and when necessary exerted.

Sir *James Mackintosh* asserted, that a more serious breach of privilege could not be committed, especially as it originated from a military officer. If, during the course of a late examination, a party had been committed to the custody of the serjeant at arms, for using threatening language to a witness who had been examined at the bar of that House—a punishment which he, for one, did not think disproportionate to the offence which had rendered it necessary—surely they ought to exercise equal severity towards a military man who had been guilty of so gross an outrage as that upon which they were then debating. He had never before heard such unsatisfactory and extraordinary arguments as those which the judge advocate had just advanced; he had heard them with surprise not unmingled with indignation. The learned gentleman had intimated, that an ignorance of the privileges of the House was to be considered as a sufficient excuse for the breach of them. Ignorance might, indeed, be pleaded in extenuation, when the offending party was brought to the bar; but could not, and ought not to be considered as an excuse for his conduct. If they admitted such a justification at the present time, they might as well extend it to all invasions which the military officers of the crown might hereafter think it convenient to make upon their rights and privileges. He certainly thought that the serjeant ought to be brought to the bar of the House, and that his conduct ought to be investigated closely. One breach of privilege had been committed in the arrest of the soldier, under the circumstances which had been described to them; another had also been committed in bringing the subsequent charge of an attempted escape against him, before a court-martial. The escape, or rather the pretended escape, was a part of Stinton's conduct, which the circumstances under which he had been arrested rendered perfectly justifiable. To whatever other resolutions the House might come, he thought that they could not rest satisfied without a copy at least of the charge preferred against Stinton being submitted to their notice.

Mr. *Beckett* said, that the learned gentleman was wholly mistaken in supposing that he had extenuated the conduct of the serjeant, on the ground of his ignorance of the privileges of that House. As to the court martial, he understood it was solicited by the soldier.

Mr. *Bennet* said, it was probable the soldier solicited the court martial, because he would have been flogged without it.

Lord *Althorp* then moved, That the Serjeant of the first regiment of Foot Guards, who arrested Thomas Stinton on Saturday last, be ordered to attend the House on Tuesday next.

Mr. *Wynn* thought it highly objectionable to adjourn such a question to so distant a period. Important as the business was which was at that time to come under discussion, it could not be more important than that which they were then discussing. Rather than such an adjournment should take place, he should prefer that the House should meet and specially consider the matter to-morrow. For his own part, he thought that the House ought not to separate without coming to a decision on the question forthwith. In the last parliament, when a witness had

been arrested within the precincts of the House in a civil case, they had come to a decision forthwith: the reasons which led them to form such a determination in a civil case, ought to actuate them still more strongly in a military one.

After some further conversation, the serjeant, and also Thomas Stinton were ordered to attend the House forthwith.

Shortly after, the serjeant was called in and examined. He stated, that his name was John Hardy, and that he belonged to the 1st regiment of guards. He admitted that on Saturday last he had come in search of Thomas Stinton, and found him in the lobby of the House of Commons. He was taking him to his quarters when the said Stinton ran away from him. In a quarter of an hour, however, he regained possession of his prisoner, and took him before the orderly officer. In all he had done, he had acted by the orders of serjeant-major Sutton, and on the ground that Stinton had absented himself from the defaulter's drill, at ten in the morning. Stinton had since been tried by a court-martial on the charge of having absented himself, disobeyed orders, effected his escape, and made away with a piece of cloth belonging to the witness. He had no knowledge that Stinton had received a summons to attend an election committee; neither did he know that it was a breach of privilege to seize him in the lobby of the House. He had only thought of obeying his orders. The defaulter's drill took place at nine in the morning, and lasted at least one hour, and when Stinton was seized he accounted for his absence by saying, that he must attend the House of Commons by half-past eight in the morning. He ought, however, to have reported his having received a summons before he absented himself, but had not done it either to the witness, or to any of his officers. His excuse was, that his absence had been occasioned by his attendance on the House of Commons.—The witness then withdrew.

Lord *Althorp* expressed his opinion, that there was now evidence before the House, to show that Stinton had been brought to a court-martial, amongst other things, upon a charge of being absent from drill, that absence having been caused by his attendance on a committee of the House. The statement of these circumstances clearly indicated a case of a breach of privilege, and rendered it necessary that the minutes of the court-martial should be laid before them.

Lord *Palmerston* observed, that one reason why the man had been brought to a court-martial was, that he had refused to answer any question put to him by his superior officers, and had actually invited them to bring him before one.

Thomas Sutton was then examined. He stated, that he was serjeant-major to the 1st regiment of guards, and that hearing Stinton had been missing at the defaulter's drill, he had ordered serjeant Hardy to secure him. He afterwards learnt about two oclock that it had been done, and as he found that Stinton's absence had been occasioned by his attendance on the House of Commons, he had directed serjeant Hardy only to confine him to the barracks. Stinton having subsequently made his escape and been retaken was confined till Monday, and then arraigned for breach of duty. He told the adjutant, who reasoned with him on the subject, that the charge was false, and that he would not answer the questions of any one, unless he were brought before a court martial. He behaved with the same impropriety to the commanding officer. He was then brought before a court-martial, and found guilty of two of the charges laid against him, but, in consequence of his pleading that he had been summoned to attend the House of Commons, the court had pardoned him and no punishment had been inflicted upon him. On the Friday previous to his absence, he had stated to the witness that he had received a summons to attend the House of Commons, upon which the witness told him that he must inform him whether his attendance would interfere with his military duty, which he never did. The witness did not know that Stinton had been called before a committee of the House of Commons, except from the report given him by serjeant Hardy.—He then withdrew.

Lord *Althorp* was happy to find that no breach of privilege had been committed. He considered it, however, desirable that the subject should be prosecuted to an end; and in order that it might be fully recorded in their Journals, he would move that the minutes of the court-martial should be produced.

Mr. *Beckett* conceived such a proceeding to be unusual, except in the case of some distinct ground being laid for it. They were all agreed, he had no doubt,

that the serjeants deserved praise rather than censure for their conduct; neither was there any evidence that the soldier had been tried upon any charge connected with this transaction.

Mr. *Tierney* said, that this was the question which was not distinctly made out by the evidence of the serjeants. It was also matter of doubt, whether the court-martial had been suffered to go on with a knowledge of the facts, or whether the facts only transpired at its conclusion.

Mr. *Wynn* thought it appeared by the evidence that the man had been ordered into confinement by his officer, after the latter had been informed of the cause of his absence. This was in itself a breach of privilege, and the court-martial could scarcely have been ignorant of the circumstances. It was desirable, therefore, that the hon. officer should inform the House, what had been the immediate cause of bringing the man to a court-martial.

Colonel *Townshend* stated the circumstances under which he had become acquainted with the nature of the present case, upon the man's first confinement. He had conferred with one or two members of the committee on the subject; but finding that the man had broken away from the serjeant, and had in other respects misconducted himself, he directed that he should be proceeded with in the usual way.

After some further conversation, the motion was agreed to.

ELECTION OATHS BILL.] Mr. *William Williams*, pursuant to notice, moved for leave to bring in a bill to impose an oath on persons voting in right of small freeholds and to prevent fraudulent conveyances of such freeholds; and also to amend the 25th Geo. 3rd, c. 84, relative to the oath of qualification. His object in bringing in this bill was not to alter in any respect the law of the land; he merely wished, that whoever claimed a right to vote, should *bona fide* possess that right.

Leave was given to bring in the bill.

HOUSE OF LORDS.

Monday, March 29.

CONSOLIDATED FUND PRODUCE BILL.] On the order of the day for the third reading of the bill for rendering the growing produce of the consolidated fund available for the public service,

§

The Marquis of *Lansdowne* said, that the bill should have his warmest support; for nothing could be more just and proper than its provisions, so far as they went. He must, however, call their lordships attention to the principle on which it was founded, and the very limited extent to which that principle was carried. The principle of the bill went to carry into effect, to a certain extent, a measure which was but common justice towards the public, which had long been called for by the state of the finances, and which an individual of the other House (Mr. Grenfell) had, in a manner highly honourable to himself, made repeated endeavours to obtain for the country. He alluded to the efforts which had been made to procure for the public a participation in the advantages arising from the balances left in the possession of the Bank. Of that profit which the Bank ought to derive from its money transactions, in the fair course of trade, no man would wish it to be deprived; but, after the fair profit should be secured, it was but right that the public should share in the advantage arising from balances left in the Bank, and which of late years had frequently accumulated to a great amount. This bill, therefore, in this respect, was most just in principle, but at the same time extremely defective in its provisions, since it confined the application of the principle to one description of balances, namely, to balances on the growing produce of the consolidated fund, arising on money received at the receipt of the exchequer at the Bank. Why was not this principle carried to a greater extent? Why was it not applied to the balances of the customs and excise, of which at least 3,000,000*l.* might be made available each quarter in the same manner, and to which the public was no less fairly entitled than to that granted by the present bill? It had been boasted that the arrangement contemplated by this bill would produce a saving of interest on balances to the amount of 6,000,000*l.*; whereas the fact was, that the average of these balances taken throughout the year did not exceed 4,000,000*l.* Besides, the advantage, to whatever extent it might arise, could only be enjoyed by the public for a small part of the year; for it was provided, that the bills made out under the act of the 57th of the king, commonly called deficiency bills, should be discharged before this measure could operate. To this object the ba-

lances on the growing produce of the consolidated fund must always, in the first instance, be applied. The sum required for the discharge of deficiency bills amounted, in the course of the last two years, to not less than 3,300,000*l.* The balances lodged in the Bank being first applied to the discharge of the deficiency bills, what remained could be but a little while in its possession, before the 5th of July, the end of the present quarter: thus it was only during the last weeks of the quarter that the bill would have any beneficial effect of the kind which had been attributed to it. In the succeeding quarter, a fresh deficiency would arise, and the consequent necessity of first discharging the bills destined to meet it. The only advantage which the public could obtain by the measure must therefore be limited to the saving of interest on the casual and temporary employment of about 2,300,000*l.* after the deficiency bills were discharged, which on an average throughout the year, would not be more than equal to 1,000,000*l.* He did not make these observations in a spirit of opposition to the bill, but to show that it possessed that limited character he had attributed to it; and to endeavour to impress on their lordships, the propriety of not confining their attention to this measure only. He hoped they would apply the same principle to balances of all descriptions.

The Earl of *Liverpool* said, that in considering the present measure, the House would recollect that the question as to the advantage the public ought to derive from the balances deposited in the Bank had been very fully considered in 1807 and 1808. An investigation then took place by a committee, the result of which was the expression of an opinion, that the public should either share in the advantage of the balances, or that the Bank should advance a certain sum by way of loan without interest. The Bank proposed a loan of 3,000,000*l.* for the public service, which it was then thought more advisable to accept than the other alternative. With regard to the average amount of the balances in question, it was probable that the sum would ultimately not be less than 4,000,000*l.* As to the balances to which the noble marquis had alluded, he had no difficulty in stating, that it had not been thought proper to extend the principle farther at present, while an inquiry was going on which had for its object the affairs of the Bank.

The bill was then read a third time, and passed

HOUSE OF COMMONS.

Monday, March 29.

COMPLAINT AGAINST MR. WYNDHAM QUIN.] The order of the day being read, sir Robert Wilson moved, "That the matter of the Complaint against the hon. Wyndham Quin be taken into further consideration."

Mr. *Wyndham Quin* then rose, and stated that it was his wish to deliver a few observations to the House previous to their proceeding to the consideration of this subject, and he hoped in the few words which he had to say, he should experience the indulgence of the House. When he before addressed the House, in the statement he then made, he had confined himself to the matter of charge in the petition of which he now held a copy in his hands; and he had then said, that the charges of corruption contained in the petition were not founded in fact, and that he was not guilty of the corrupt charges there made against him. One of the facts charged against him was, that he had broken up the emoluments of the office for clerk of the peace for the county of Limerick into lots, in order to distribute them among those persons who had political influence in that county—that he had bestowed a part of them on Mr. Grady the petitioner himself; and he thought it was hard that the petitioner, of all men, should bring that before the House of Commons as a particular charge against him—should charge him with it here as a crime. That provision out of the emoluments of the office of clerk of the peace which was bestowed on the petitioner, had not originated with himself (Mr. W. Quin)—it had originated with others who took an interest in the affairs of the petitioner. But though this did not originate with himself, he had adopted the measure with pleasure, when it was suggested to him. But he would boldly and confidently state, that that provision was made without being accompanied with any stipulation, any compact, or any promise of return whatever. That provision was given to the petitioner purely out of regard for him, and not as a compensation for any claim, or for any promise of political support. When he

spoke of promise, he was aware that some members might think, that though no charge could be brought against him on this account, yet if a promise of political support was not made by the petitioner, something so near to one did take place, as in substance amounted to the same thing. As this was a charge which pressed so heavily on him, he hoped the House would allow him to say a few words respecting it. He knew that it was easy, by taking parts of sentences detached from what they were connected with, and by detaching parts of conversations, to give almost any colour to a transaction. An instance of a misinterpretation of this kind took place, he might now mention, in illustration of what he had said. Even the day after he had seen Mr. Grady, the father, in London, he had already fallen into a misconception of what he (Mr. Q.) had said to him the day before. He had received a letter from that person, completely misrepresenting the nature of the conversation which took place between them. The answer which he had returned to that letter would show the nature of the misconception, and, if the House would indulge him, he would read that answer. [Here the hon. member read the answer in question, in which he denied having ever said that he would not disturb Thos. Wm. Grady in the possession of his office, or that he had held out any expectation of continuing him in it: he had never made any promise of continuing him in the office; on the contrary, he had told him how he was circumstanced; that he would be obliged to remove him: he had informed Richard Smith, that he would appoint him to the office, if it was in his power; he accepted the hostility held out, and was prepared to repel it, come from what quarter it might.] The House were aware that the petitioner had been appointed to the office when a child; and without taking into consideration any claims which others might have on him (Mr. Quin), it was to be borne in mind, that the petitioner was not capable of discharging the duties of the office in person. He had already said, that the provision for Mr. Grady was proposed and communicated to him without any stipulation whatever. At first Mr. Grady the petitioner was not inclined to receive the sum offered him; he wanted a larger sum. Some days afterwards, however, some gentleman on his part called on him, to signify that the petitioner had changed his mind, and that the only difficulty that remained was as to the security for payment of the provision on the appointment of Mr. Richard Smith. These gentlemen had certainly left him in an understanding that the arrangement was satisfactory to all parties, and under that impression he had left the country. This was in the month of July. He ought farther to state, that those gentlemen very much pressed on him the embarrassment in which T. W. Grady was with respect to whether he had a legal title to the office or not; and asked him if he would not postpone the appointment of another for some time to enable him to clear the matter up. In consequence of this request he did postpone the appointment for two months, that ample time might be given the petitioner to satisfy himself whether he had any claims or not. This was in the month of July. In September, when on his way back again, he had received a letter from Mr. Carew Smyth, urgently entreating him to let Mr. C. Smyth call on him, when he undertook to show him that he could not legally remove T. W. Grady from his office. To this letter he had answered, that he should be happy to have the honour of seeing him; but he wished to inform him, that he intended immediately to appoint Mr. Richard Smith to the office. Mr. C. Smyth, in the course of this interview, had indeed said something concerning the political interest of Mr. Grady. He (Mr. Quin) had then said, he hoped and expected Mr. Grady would continue to support him with his interest as heretofore. Perhaps a more prudent man would not have expressed any such hope. But he never imagined that the petitioner, or any man, would so construe what he had said, as to understand it in the light of an exaction of political support, in return for this provision. Such an idea never once entered into his contemplation. He might also say, that had he entertained corrupt views, he would have gone very differently to work indeed. It had been affirmed by the petitioner and others, that he had stipulated for his political interest. He had told the petitioner that this was not the case, and that what he had said on this occasion, had been tortured into a meaning different from that which belonged to it. When it was considered that all the parties had got extremely angry—that reports of all kinds had got into circulation

—that threats of all kinds were held out—and that libels and lampoons were to be showered against him by the father, he would put it to the House if he could then have been held to be a free agent, and as not influenced by these reports? He begged the House to turn their attention to the intrinsic nature of the case, and the internal evidence of it. If they did, they would see how impossible it was he should even dream of depending on the support of Mr. Grady, or of thinking of exacting from him a *quid pro quo*. Mr. Grady had, in fact, nothing to give. Mr. Grady had no fee simple property—all that he was possessed of was leasehold property. He possessed four farms, each of which was held from different landlords, and each was held on the life of a single individual. One of them was on the life of a very old man. Two of the others were on the life of a person aged sixty, and these farms were his (Mr. Quin's) own property. Was it credible, if he had acted on interested motives, or had divided the emoluments of the office of clerk of the peace from corrupt motives, that he would have selected a person possessed of an influence of this description? The election was now over, and before an election would have taken place, the influence of Mr. Grady would probably have been melted away. What object in the world could have been served by stipulating for his interest, when he stated that he had no power to make the stipulation effectual [Hear, hear!]? Nothing could have been more absurd. Mr. C. Smyth had made out a minute of the conversation which took place at Dublin. But he did not want any thing in the shape of a political bargain; and he had instantly told Mr. Carew Smyth he wanted no political bargain or compact. He had not kept a copy of the minute. That paper had been brought forward as a document against him. But he would appeal to the whole line of his subsequent conduct in support of his averment. He had gone down to the country a few days afterwards. There Mr. Grady, the petitioner, waited on him, and he had told him what he afterwards repeated in the presence of Mr. Roche, that he did not want any stipulations, and he refused even to enter into the consideration of the subject. Some time after this Mr. Carew Smyth came down to Limerick. A report had come down before him that he (Mr. Smyth) intended to deliver him a hostile message. He regretted that report, for it was not without its influence on him; but he regretted that he had not sent some mutual friend to him (Mr. Q), who might have been present at the interview. If such a person had been sent, the whole matter might easily have been explained, and set at rest for ever. But he had avoided all conversation on this subject with Mr. Carew Smyth and the petitioner. The object which he always understood them to have in view was the pledge required of him respecting the provision to Mr. Grady. He thought the House had seen enough of the candour of Mr. Grady to justify him (Mr. Quin) in being a little cautious in hampering himself in such a case, of putting himself in the power of such a man. He thought, under all the circumstances of the case, when the nature of the influence of Mr. Grady was considered, the House must see that political influence was here out of the question. When he had shown that this was out of the question he thought it a little hard that, in making this provision for the petitioner, he should be accused of acting corruptly. He thought the House must at once see the futility of the allegation in the petition, that the implied political support was the only objection to a satisfactory arrangement. He did not see how the House could reconcile this with the rest of the business, when they considered that Mr. Grady, the petitioner, had accepted of the office in a letter to him (Mr. Q). He would not trouble the House with going into the subject of the letters from Grady, the father. The House were aware what the object was which he had in view. He had told him distinctly, that unless he bought him off by restoring his son to his office, he would bring the whole matter and himself before the House of Commons—and he had affirmed that there was a large body of members from whom he received encouragement to bring the matter forward. He would not repeat what he had already expressed on this subject. It was sufficient to say that he despised his threat; and he felt what every gentleman who heard him must feel in a similar situation, that it would be ten times more satisfactory to submit to be the subject of his calumnious accusations, than to purchase repose on the disgraceful terms held out. He did not mean to say, that to defy him to the charge was a proof of innocence; but he thought himself warranted in saying,

at least, that it was a strong presumption of innocence. For was it to be believed, if he had not felt innocent of the charges of corruption that he would have been guilty of the wild and mad presumption of allowing himself to be brought before the House of Commons, where, if he was convicted, he would hardly ever be able to hold up his head again? He had the means of restoring the son still in his power, and he did not do so because he was conscious that he had not acted from corrupt motives. He rejected the ignominious safety offered him, and preferred putting himself on the House of Commons [Hear, hear!]. It was not necessary for him to say more. He had stated the real history of the transaction. He felt that he had not been guilty of any corrupt acts. If in the course of this transaction, up to the present hour, he had done any thing which appeared to the House to be wrong, he could only say it was an error of his judgment, for he never intended to act corruptly or immorally. Some gentlemen might think the putting any charge at all on the office of clerk of the peace was in itself wrong; but he begged the House to consider how he was circumstanced, and the difficulties in which he was placed. Having said thus much, he threw himself with confidence on the candour of the House [Hear, hear!].—Mr. Quin then withdrew.

Sir *Robert Wilson* said, that having experienced the kind indulgence of the House during the whole course of these proceedings, he hoped that indulgence would not be withdrawn from him now that he had to perform the most arduous and painful part of his duty. If motives untainted by political feelings, or personal animosity could give him a right to expect attention, he might honestly claim that indulgence. Hitherto he had only been the official conductor of the petitioner's complaint, and a co-adjutor in the examination of the witnesses; but he now stood in the situation more distressing to his feelings of the public accuser of a member of the House. But if the House had seen, as he trusted they had, in his conduct in his former capacity, only a desire to get at the truth in his questions as to facts, so he hoped they would now give him credit, that he would not attempt by invectives to rouse their passions, or by subtle misconstructions to mislead their judgments. It was only since he had entered the House, that he had known, that the ordinary forms of proceeding required that the hon. member who was accused should withdraw while the evidence was summed up; but he could assure those who watched over the interest of the hon. member, that his absence should not prejudice his case, because he would state nothing which the accused might not, if he pleased have had an opportunity of commenting on. The charge brought against the hon. W. Quin, by the petitioner, was, that he had corruptly bargained for the sale of a pension to be paid out of the emoluments of an office ministerial to justice, to influence the return of members to parliament at a future election. If this charge was proved, there could be no doubt that the hon. member had been guilty of a violation of his duty as custos rotulorum, of a breach of the privileges of parliament, and of an infraction of the statutes of the realm. In the observations which he should have to make, while he sought to impress on the House his opinion of the transaction, he should confine himself closely to the matters in evidence before them; because though it was due to justice that truth should not be sacrificed to the feelings of any individual, yet it was due to every individual whose conduct was examined, that not one wound should be inflicted on him which the interests of justice did not require. He should proceed to state the allegations against Mr. Quin, taking the petitioner's statement as the basis of his narrative, and examining how far it was corroborated by the testimony of other witnesses. In the task he had to perform he should be necessarily obliged to consume much time; but in such a judicial proceeding, the House would rather hear a perspicuous, though extended narrative, than loose or general allusions to the evidence [Hear!]. The hon. member then proceeded to state the evidence of the petitioner, T. W. Grady, in the order in which it was delivered. In concluding it, he observed—Such was the petitioner's story, which was perfectly consistent in all its parts; and though the petitioner was young and inexperienced, and impetuous, his veracity had never been impeached. He was known to members of the House, and through them as well as through officers who had resided at Limerick, he had been informed that the petitioner had always borne a fair and unimpeached character. In the course of a long cross-examination, the witness had

been confused as to the language of the petition (which he should readily acknowledge was not drawn up by the petitioner, but by his father), but as to every material fact, he had been unshaken. The next witness was Mr. Carew Smyth, a gentleman respected among his friends, and of the highest character in his profession. With respect to him, he might say without hesitation, that the manner in which this gentleman had given his evidence, was calculated to increase the respect which he enjoyed among his friends, and to gain him the esteem of all who had heard him [Hear, hear!]. Sir Robert then recapitulated the evidence of Mr. C. Smyth, and commented on parts of it with a view to show its consistency and correctness. The minute, he observed, which had been drawn up of the conversation between Mr. C. Smyth, and Mr. W. Quin, as to the terms on which the petitioner was to receive the 200*l.* a year, had, it was acknowledged on all hands, been drawn up at the time, and presented to Mr. Quin for his approval, by Mr. C. Smith. What motive could Mr. C. Smith have for inserting in that minute the stipulation that the Gradys should continue politically connected with Mr. Quin, unless this gentleman had insisted on it, since the stipulation was manifestly one from which the Gradys had all along wished to escape? Mr. C. Smyth had assigned a very satisfactory reason for drawing up that minute, viz. that it was his duty, as a friend of one party and as a man of business, to have a correct and authorized account of the conversation between Mr. Quin and himself. The minute, Mr. Smyth stated, he had inclosed in a note to Mr. Quin. That note it was to be remarked, had not been produced; and as he had a right to infer that this note would throw light on the subject, it was also not too much to suppose that this light was not in favour of Mr. Quin. After this minute had been drawn up, Mr. C. Smyth recollected that he had made an omission in his conversation with Mr. Quin, and he wrote to Mr. Goold in the following terms:—"46, Baggot-street, Sept. 23rd 1818.—My Dear Goold—On reading over this morning the paper which, Mr. Quin returned to me yesterday, I find that I have made a trifling omission, which, *ex majore cautelâ*, I think it right should be early rectified, viz. that the event of Mr. Richard Smith's removal from office, either by death or otherwise, should make no difference with respect to Mr. Grady; but that Mr. Quin would make the same arrangement with his successor, so as to secure the payment of the 200*l.* a year during Mr. Quin's continuance in the office of cust. rot. if Mr. Grady chose to receive it on the terms specified. It is obvious to you, why I address this to you rather than to Mr. Quin, and I request the favour of an answer. (Signed) Carew Smith." Now he would ask the House, whether, not only so practised a lawyer as Mr. Goold, but any man, however little versed in business, would have allowed reference to be made to the minute which was said to be rejected, if it had really been rejected, without protesting against this reference to it: as well as against the introduction of the word "obvious" in the latter part of the note, which must have led to the inference, that Mr. Goold had been connected with the previous part of the transaction?—An inference if Mr. Goold was correct, altogether unfounded. But, according to Mr. C. Smyth's evidence, all this was consistent and explicable. Mr. Smyth had stated that when he called on Mr. Quin to sign the minute, Mr. Goold had interposed, and said that it was improper that a member of parliament should sign it, though he (Mr. Goold) should be always ready to speak to its correctness. It therefore was, "obvious" why Mr. Smyth addressed Mr. Goold, lest he should seem, had he applied to Mr. Quin, to have endeavoured to entrap him to a written approval of that which Mr. Goold had declared that it was improper for him to sign. What was Mr. Goold's answer? It was in these terms—"My dear Smyth, I received your note, and perfectly concur in the statement you made. Mr. W. Quin authorizes me to say, that your recollection is perfectly accurate, and of course there can remain now no kind of difference on the subject. I am, &c. T. Goold." This answer, in his view of the case, confirmed the previous evidence of Mr. Smyth. He lamented that a letter enclosed for Mr. Quin in one of the letters from Mr. Grady sen. to Mr. Carew Smyth had not been produced, as that also might have thrown light on the transaction. After going through Mr. Carew Smyth's evidence, sir R. Wilson observed, that during a long cross-examination this gentleman had not varied in the least material circumstance. He had seemed to stand on the rock of truth, from which no force or artifice

could dislodge him. The only circumstance that could throw the slightest discredit on this gentleman was the unwarrantable paragraph in the letter of Mr. Grady, sen. of the 20th October. But to counteract this, there was the whole correspondence of Mr. C. Smyth, as well that which was published as that which had not been published. Since the termination of the inquiry, a large packet of the letters of Mr. C. Smyth to Mr. Grady had been brought from France [a member rose to order]. He did not mean to read those letters, but he should explain the manner in which they illustrated the case. Before he examined them, he delivered them to the honourable members for Oxford, Londonderry, and Exeter (Messrs. Peel, Dawson, and Courtenay), who had so laudably assisted not only the accused, but himself and the House in the investigation of the truth, and he had desired them, if they saw in these letters any thing at variance with any part of Mr. C. Smyth's statement, to call for their production. Those hon. members answered that they saw no cause for the publication of any part of them. There were also the compliments of the elder Grady himself in other parts of his correspondence; and as to the paragraph which would seem to imply that the conduct of Mr. Smyth had been artful, he would put it to the members who had read as well the unpublished as the published parts of Mr. Grady's letters, whether their sportive, or he might say, poetical nature, did not withdraw them from serious consideration. He did not stand there to approve the advice which Mr. C. Smyth had given to the petitioner (viz. to accept Mr. Quin's offer)—in his legislative capacity he could not do so; but allowances were to be made for him, and at any rate this advice did not lessen the credit due to his testimony. The next witness was Mr. Goold, whom it had been intended originally to comprize in the complaint to the House, but who had been summoned by him (sir R. W.) in behalf of the petitioner, in order to give Mr. Quin the benefit of his evidence. This witness had given his testimony under the great disadvantage of illness, which unfortunately had afflicted him with a total failure of memory, and under this visitation, not only had he forgotten striking circumstances that had occurred, but had remembered what did not occur [Hear, hear!], to strengthen his assertion, that he was not present at the first interview, at 11 o'clock on the 22nd September, between Mr. Smyth and Mr. Quin, an assertion which, if it had not been afterwards abandoned or disproved, must have weakened the testimony of Mr. Carew Smyth. After the most anxious consideration of the evidence of this witness, he had come to the determination to erase it altogether from his view of the case. He should not discuss the probability of these aberrations of memory, the extent of which were only known to Him from whom no secrets are hid; but it was manifest, that when a witness alleged recollections of facts that were notoriously incorrect, the best that could be done was to leave him altogether out of the question [Hear, hear!]. The next witness, Mr. G. Maunsell, gave corroboration to the evidence of Mr. Carew Smyth, as to the communication which the latter had had with Mr. Quin in the county of Limerick, in October. To this witness the letter of Mr. Quin to D. Gabbett was shown, in which letter Mr. Quin declared that the petitioner might vote for whom he pleased, and still retain the 200*l.* a-year. This, he (sir R. W.) observed, was the first time in which Mr. Quin declared any intention to abandon his demand of political support on the part of the petitioner, as the condition for granting that annuity, and that abandonment in no degree negatived the evidence of the minute adduced by C. Smyth, as to the conversation with Mr. Q. on the 22nd of September. Mr. Daniel Gabbett's testimony also, upon the whole, served to sustain the case made out upon the testimony of Carew Smyth. The letter of Mr. Quin to this witness did not, it appeared, negative the minute adduced by Mr. C. Smyth, but on the contrary implied an acquiescence in the conditional character of that document, That letter set out with an allusion to the proposition of Mr. Maunsell, and the House had, from the testimony of the latter, a statement of what that proposition was, namely, to do away with the condition as to the political support of the petitioner, in return for the annuity from the clerkship of the peace. Richard Smith testified to the facts stated in the evidence of Mr. C. Smyth, with respect to the appointment of the former to the clerkship of the peace, to hold that office during the pleasure of Mr. Quin, and to allow to the petitioner 200*l.* a-year out of its profits. This witness, it was remarkable,

stated, that he made no remonstrance whatever upon the novelty of the appointment of the clerkship of the peace being made out during the pleasure of the custos rotulorum, nor at the proposal of deducting 200*l.* a-year from an office yielding only 400*l.* a-year, although this office was offered to him in the first instance, without any demand of such a deduction. But the House could not fail to remember the havoc which this witness made with facts, when he spoke about the amount of the freeholders, and hence his testimony might be appretiated.—The last witness to whom he had to advert was, Mr. David Roche, and this gentleman deposed that on the 28th of September last, Mr. Quin made the following declaration to the petitioner, in his (witness's) presence:—"I have nothing to do with your freeholders; I give you this 200*l.* a-year as a friend, and the son of a friend whom I am much obliged to, and I beg to hear nothing of your freeholders; you and your freeholders are at liberty to vote for whom you please." Now, after Mr. Quin had made such an explicit declaration in the presence of this witness, was it not rather extraordinary that in his letter to Mr. Gabbett, received on the 11th of October, he did not express his surprise that the rumour alluded to in that letter, should still continue to prevail, or that the petitioner or his friend, should still continue to entertain any doubt of his purpose. But the fact evidently was, that the first time Mr. Quin declared his abandonment of the demand for the petitioner's support was, in his letter to Mr. Gabbett, and that this declaration was the consequence of the threats of a parliamentary investigation upon this subject. Now having gone through the evidence, the hon. officer expressed his intention to submit certain resolutions to the House, which were declaratory of his views as to the whole case. In his own mind, he was free to say, that no doubt whatever existed as to the conduct of Mr. Quin, but if any doubt remained on the minds of other gentlemen, he was ready to admit that Mr. Q. should have the benefit of that doubt. A conspiracy had been, he understood, alleged to exist on this subject, in consequence of something written by the petitioner's father. But he would appeal to the gentlemen on the other side, who had had an opportunity of examining the voluminous letters of that indefatigable writer in the committee, whether this writer appeared to have taken any part towards the invention of any of the charges preferred against Mr. Quin. The hon. officer, after declaring that he had in this case been actuated solely by public motives, expressed his regret that the subject had not been taken up by some one better acquainted with the forms of parliamentary proceedings, and his hope that the House would act as became its own honour and the claims of public justice. He stated that the object of his proposition was, to declare that Mr. Quin had acted inconsistently with his duty as custos rotulorum—had violated the freedom of election—and committed a breach of the privileges of that House. It was not for him to move any resolution with regard to what ought to be done in consequence of Mr. Quin's conduct as custos rotulorum, in disposing of the profits of a place connected with the administration of justice, for the purpose of corruptly procuring political support. That part of the question he felt it becoming to leave to some more experienced person. But as to the breach of privileges of which, in his opinion, he was bound to declare Mr. Quin guilty, he hoped, nay, he could not doubt, that every gentleman who heard him would vote upon that question with fidelity to himself and to his country [Hear, hear, hear!].—The hon. officer's several resolutions were then read as follows:

1. "That it appears to this House, that the hon. Wyndham Wyndham Quin was, in the month of July last, appointed Custos Rotulorum of the county of Limerick by the lord high chancellor of Ireland, by virtue of which appointment he became entitled to appoint the clerk of the peace for the said county.

2. "That, some time in the month of September, he did appoint Richard Smith, esq. to the office of clerk of the peace for the said county, in the room of Thomas William Grady, by him removed from the said office.

3. "That the said Wyndham Wyndham Quin did stipulate with the said Richard Smith, that out of the salary and emoluments arising out of the said office, amounting in the whole to the sum of 400*l.* a year, he should pay to the said Thomas William Grady 200*l.* a year.

4. "That the said Wyndham Wyndham Quin did, in a certain conversation held at Stillorgan, near Dublin, on the 21st September, 1818, with Mr. Carew Smyth

(who then and there waited on him, as the friend of Mr. Thomas William Grady, for the purpose of learning his determination touching the disposal of the said office), state, that he had resolved to appoint Mr. Richard Smith to the said office during pleasure, upon an express understanding that Mr. Thomas William Grady was to receive 200*l.* per annum out of the profits thereof; and that the said Wyndham Wyndham Quin further stated that he expected Mr. Thomas William Grady would continue politically connected with him in the county of Limerick, as long as he continued to receive the said sum out of the said office; but that Mr. Thomas William Grady was at perfect liberty to relinquish the said annuity, and separate his political interest in the county of Limerick from Mr. Quin's; and that Mr. Carew Smyth stated, that he should immediately communicate the substance of the said conversation to Thomas William Grady.

5. "That on the 21st September, 1818, Mr. W. W. Quin did admit, in an interview sought by Mr. Carew Smyth, an expectation on his (Mr. Wyndham Quin's) part, that, while Mr. Thomas William Grady continued in the receipt of the said allowance, he would continue politically connected with Mr. Quin in the county of Limerick; but that on the 10th October following, Mr. Quin did expressly disclaim any intention of depriving Mr. Thomas William Grady of the said allowance on account of his withdrawing his political support from Mr. Quin.

6. "That it appears to this House, that the said Wyndham Wyndham Quin, in endeavouring to procure for himself the political support of Thomas William Grady, did act in a manner inconsistent with the duties of his office as Custos Rotulorum, in violation of the freedom of election, and in breach of the privileges of this House."

The first Resolution being put,

Mr. *Bootle Wilbraham* rose, he said, not with the view of long occupying the attention of the House, or of entering into any particular analysis of the evidence; but having no connexion with the hon. member who was the subject of the charges preferred by the gallant officer, and not being much in the habit of addressing the House, he thought it proper to say a word or two as to the motives which urged him to stand forward upon this occasion. He was particularly anxious, in the first place, to caution the House against allowing its desire for the reform or prevention of abuses, to betray it into any erroneous or harsh proceeding towards an individual; his own impression was, he must say, that which he believed was the general opinion as well without as within that House, namely, that Mr. Quin was the victim of a conspiracy [Hear, hear! on the Ministerial side]. This, indeed, he thought quite evident, from the letter of Grady the elder, dated the 20th October. From this letter the hon. member read the extract referring to the conduct of Mr. C. Smyth in his conversations with Mr. Quin. But while he imputed conspiracy, he begged it to be distinctly understood that he did not at all mean to allude to Mr. Carew Smyth. The high respectability indeed of that gentleman's character, as it was testified to on all sides, as well as the fair and manly manner in which he had delivered his evidence, forbad the suspicion that he could possibly be implicated in any conspiracy. The evidence of Mr. Smyth was, no doubt, entitled to the utmost attention. As to the evidence of young Grady, he did not mean to make it the subject of particular criticism; but it must be recollected, that this young gentleman had stated some things in his petition to which he did not depose at the bar. But the main question for the consideration of the House depended upon a comparison of the testimony of Mr. C. Smyth and Mr. Goold. The latter, it was to be remembered, had been at the head of the Munster bar for several years. This gentleman was, indeed, a barrister of the highest eminence in Ireland, and had throughout life maintained a most respectable character. The loss or inaccuracy of memory then, in one instance, and that, too, upon an immaterial point, should not be allowed to bear against the general credit of such a witness. Mr. Goold was too, it would be observed, only the professional adviser of Mr. Quin, while Mr. C. Smyth was a near relation of the petitioner, and in the comparison of testimony those circumstances should be borne in mind. He would not, however, appeal to these circumstances alone; but he would ask the House to deal out to Mr. Quin the same measure of justice which a person accused would experience from any other tribunal, and before it decided to sink this gentleman below his

natural rank in society, by fastening any strong censure upon his character, to consider what he had really done. Of the intentions of Mr. Quin for a certain period to commit an improper act, he meant to state his opinion in the Resolution with which he proposed to conclude. But as to the interference of that gentleman, as Custos Rotulorum, in the election for the county in which he held that office, he was not aware that it involved a breach of the privileges of that House, although such interference on the part of any lord lieutenant of a county in England would amount to such a breach, and be taken cognizance of as such. If the office of Custos Rotulorum were held by a peer of Ireland, that officer would be precluded by a resolution of that House from interfering at an election in that country. But that resolution did not, he apprehended, apply to Mr. Quin, who had clearly a right to dispose of an office within his patronage as Custos Rotulorum. As, however, this gentleman had manifested an intention to dispose of that office, with a view to the improper attainment of political support at an election, the House was bound to take cognizance of such intention. The House would not, however, in its justice, punish him for an offence which he did not actually commit, but merely intended. This intention was, he admitted, entertained by Mr. Quin for above a fortnight from the 22nd September, when that gentleman totally abandoned it. The hon. member, after acknowledging the becoming manner in which the charge had been conducted on the part of the gallant officer, expressed his wish to substitute for that part of the gallant officer's resolutions which followed the three first propositions, a statement to the following effect: 1. "That in the month of July, 1818, the said Wyndham Wyndham Quin did make an offer of the said 200*l.* per annum to Mr. Thomas William Grady, without any mention of an expectation on his part of Mr. Grady's future support in the county of Limerick; nor does it appear that the motive for making such provision for Mr. Thomas William Grady was to ensure such support. 2. That the said Wyndham Wyndham Quin did, in a certain conversation held at Stillorgan, near Dublin, on the 21st September, 1818, with Mr. Carew Smyth, who then and there waited on him, as the friend of Mr. Thomas William Grady, for the purpose of learning his determination touching the disposal of the said office, state that he had resolved to appoint Mr. Richard Smith to the said office during pleasure, upon an express understanding that Mr. Thomas William Grady was to receive 200*l.* per annum out of the profits thereof; and that the said Wyndham Wyndham Quin further stated, that he expected Mr. Thomas William Grady would continue politically connected with him in the county of Limerick as long as he continued to receive the said sum out of the said office; but that Mr. Thomas William Grady was at perfect liberty to relinquish the said annuity, and separate his political interest in the county of Limerick from Mr. Quin's; and that Mr. Carew Smyth stated, that he should immediately communicate the substance of the said conversation to Thomas William Grady. 3. That this House cannot but consider the expression, or admission of any such expectation, as improper and blameable; and had an intention of acting thereon been persisted in, instead of being (as it appears to have been) speedily and unequivocally disavowed, this House would have deemed it necessary to visit such a proceeding with its severest censure."

The *Speaker* suggested, that the three first resolutions must be disposed of before the question could be put on the amendment.

The Hon. *F. Douglas* said, he was extremely sorry that the resolutions of his gallant friend were not at once adopted. Since, however, they were not, he felt it to be his duty not to shrink from openly stating his view of the case. He would not detain the House long: if he could think that he possessed any power of producing conviction in the minds of others, this was the last question on which he would have exercised it. The defence urged by the hon. member who had just sat down was derived from motives, from the conduct of the accused after the transaction in question, and from the character of the witnesses. Would to God that they had been left to form their conclusions by such considerations. But the hon. member had met the charge by an explicit and decided disclaimer: in consequence, a long and minute examination of witnesses became necessary. This course had now placed the question on a different ground. The consideration that must now weigh with the House was, respect to its own character, which would render them care-

ful not to meet the question by any resolution that could appear illusory, or in manifest contradiction to the evidence. The charge was one of the gravest kind. It was no less than that Mr. W. Quin himself, a member of that House, had employed the patronage of an office conferred upon him by the crown to corrupt the representation. The evidence of Mr. C. Smyth was, in fact, the whole case. If ever an instance had occurred in which a case was made stronger by the manner of giving evidence, it was so in the present instance, by the evidence of Mr. C. Smyth. He was sorry that any slur had been attempted to be thrown upon his character, although that had not been done in words.

[Mr B. Wilbraham disclaimed any intention of the kind.] His hon. friend agreed with him, then, that no evidence could be more corroborative than the evidence of Mr. C. Smyth. That evidence too was corroborated by an attempted contradiction. The House had, with the greatest regret, heard two gentlemen deliberately and confidently contradict one another as to points of fact. It turned out that Mr. Goold was incorrect, and that Mr. C. Smyth was the witness of truth. From Mr. Goold's manner of giving his evidence he was not disposed to attach as much weight to it as he otherwise, from the high respectability of that gentleman's character, might be inclined to do. He meant not to impute to him that he had stated any thing which he did not believe; but while he admitted this he could not conceal from his view the great misrecollection which that gentleman had evinced, and contrasting that with the clear and circumstantial statement of Mr. Carew Smyth, he was bound from conviction to incline his belief to the evidence of the latter. He was the more inclined to do so from the circumstance, that the principal part of the conversation said to have passed, and on which the main part of the charge rested, was corroborated by the evidence of Mr. Goold himself, by the letters which were interchanged on the subject, and many other important facts which had been given as connected with the whole transaction. When he recollected this part of the evidence, when he remembered the long and able cross-examination which Mr. C. Smyth had undergone, and the creditable manner in which he had conducted himself throughout it, he could not refrain from giving to his testimony that credit to which he conceived it was so much entitled. He had also to consider, that one part of the evidence of Mr. Goold was contradicted by the hon. member himself; or rather that a part of which Mr. Goold had declared his ignorance, was supplied by him, which contradiction went in support of the original statement made by Mr. C. Smyth. And here, without imputing any thing personally disrespectful to that hon. member, he could not avoid observing, that no member ought to have sat still, while he heard a witness stating that which he must have known not to be the fact; that he should not have been withheld by even a respect for the forms of the House from rising and contradicting that which he must have known not to have been the fact, and which he must also have known was stabbing the reputation of a most respectable individual. With respect to the observation, that Mr. Carew Smyth was nearly connected with the petitioner, Mr. Grady, he thought it was one which, if it had any weight at all, must apply with equal if not greater force to the connexion between Mr. Goold and Mr. Quin; for Mr. Goold was not only his law adviser, but also his relative. As to the letter which Mr. C. Smyth had written to Mr. Grady, it should be considered, that the latter was young and inexperienced, and required constantly the aid of his friend in matters where his advice was necessary. He had heard it said, not in the House, but in society, that if there was any foundation in the charge, it would also implicate Mr. Carew Smyth. This he could not agree to; but even if it were the fact, it would only go to implicate Mr. Smyth, without in any manner acquitting the hon. member who was charged. On these grounds, he could not agree to the resolutions which had just been read, and were intended to be proposed by his hon. friend (Mr. B. Wilbraham). No doubt Mr. Quin had a right to dispose of his patronage, but then it should not be disposed of in any manner for corrupt purposes. He would admit that there were, in the case of the hon. member, very strong circumstances of mitigation; but while he admitted this, he could not deny that there were also some aggravating circumstances that Mr. Quin was a member of that House, for the violation of whose privileges the charge was brought, and that as such it was his duty to have guarded them by every means in his power. These, he thought, were cir-

cumstances which the House ought to take into consideration; but while he admitted that some of them made against the hon. member, he felt it was but fair to consider also, that according to the evidence, the alleged ground of charge was given up by Mr. W. Quin before any threats was made of bringing the matter before parliament, which was in itself a proof that he was not conscious of having had a corrupt motive. He did not, however, think that the matter was one which the House ought to pass over without some notice. If they conceived it proved that an improper use was made of the patronage enjoyed by the hon. member, he ought not, in his opinion, to be suffered to hold it any longer. The subject was an important one, and should not be passed over lightly; for though the House might acquit him of any blame, yet perhaps the country would not. He conceived the conduct of the hon. member was, in a considerable degree, reprehensible, though he did not go the whole length of agreeing with his gallant friend on the subject. He thought that the circumstance of the hon. member's having retracted his pledge before any intimation was given of a parliamentary inquiry, was one which showed his own sense of the impropriety of his previous conduct, and his regret for it. The hon. member concluded by expressing a hope, that the House would by its decision show its attachment to its privileges, and that they would not omit to censure that in a higher situation which would meet with punishment in a more humble sphere.

Mr. *Peel* gave credit to the motives which had urged the gallant officer to bring the matter before the House, and felt pleasure in remarking the candid manner in which the whole of the business had been conducted. He fully agreed, that the subject was one which required due deliberation. The hon. and gallant member had argued, that all the charges had been fully proved; and in support of that opinion, he had adduced the tone and manner in which Mr. W. Quin had denied them on the first introduction of the matter to the House. That denial, he maintained, was perfectly justifiable. It should be recollected, that it was made on the petition, which contained charges that had not since been proved. One part of the charge contained in the petition was—"That the said Wyndham Quin, perceiving at the last general election that his popularity had considerably decreased, found it necessary to avail himself, for election purposes, of the patronage he so obtained from government, and broke up the emoluments of the said office of clerk of the peace into lots, in order to distribute the several lots among such persons commanding an influence in the county, as he knew, or presumed, would undertake, in consideration thereof, to support him on any future contest, appointing them only during pleasure, in order to maintain his control over them for those purposes." This was a part of the charge which had not been proved, and which Mr. Quin was perfectly justifiable in denying in the manner which he had done. The next part of the petition which called for a positive denial on the part of Mr. Quin, as being equally destitute of foundation was that which said, "That your petitioner and his tenantry, consisting of about 100 registered freeholders, had hitherto supported the said W. Quin upon all his contests for the county; but the said W. Quin finding his situation as candidate now more precarious than it had been, thought it expedient, if possible, to secure the future support of your petitioner and his tenantry, by a deed of bargain and sale." The third part of the petition, which also called for an immediate disclaimer from Mr. Quin, was that which said, "That Daniel Gabbett, esq. law agent to the said W. Quin, being apprized of your petitioner's intentions, thought it his duty to expostulate with the said W. Quin upon the nature of the proposal he had so made to your petitioner, and cautioning him of the danger he thereby incurred, recommended to him to endeavour to rescue himself from the consequences by offering to your petitioner the said 200*l.* a-year independent of any pledge for election service." That the said W. Quin being apparently alarmed at the aforesaid suggestions, wrote the following note to the said Daniel Gabbett in order to its being shown by him to your petitioner, viz. "Mr. Grady may vote as he pleases; if he chooses to vote against me, I will not on that account deprive him of his situation."—The insinuations or charges which he had thus read to the House, he contended, were not proved; on the contrary, they were disproved by the evidence which had been adduced, and when contrasted with the evidence, gave abundant proof that the situation or

*

the emoluments of it were never offered as a bribe: the hon. member, therefore, was perfectly justifiable in having so pointedly disclaimed them. The question, then, before the House, resolved itself into a small compass. In the view which he took of it, he could not agree with the gallant officer, that the charge was proved to the extent he had said. Without meaning to give his sanction to every thing which had occurred, he would endeavour to prove three positions:—First, that the original motive of the proposition to grant an annuity on the office to Mr. Grady was not with the view to secure Mr. Quin's future election; secondly, that up to the 22nd of September, not one word had been said of an expectation of Mr. Grady's political support, in consequence of such grant; and thirdly, that between the 22nd Sept. and the 10th October, every idea of the kind had been given up by Mr. Quin, and before he had the slightest intimation that the matter would ever become the subject of a parliamentary inquiry. He would contend, that though the reason for Mr. Quin's continuing Mr. Grady in office, or dependent in part on the office, might not be in itself strictly correct, yet it would appear natural to give it to one who had personal claims upon him for the support which he had received. The letter which Mr. Grady wrote, would preclude all idea that the situation was given with a view of political support. In one part of this letter it was stated, that Mr. Quin, in a conversation held with Mr. Grady, sen., on the subject, expressed, "I never was in a situation of so much distress and difficulty, I wish I had never any thing to do with it, for I cannot think of it without pain; but at the time I made the promise to Smyth, I did not know that your son had any thing to do with the office; if I did, such was my regard for you, and indeed for him, that I never would have promised it to another." This must have precluded the idea, that Mr. Quin had any intention of making the appointment a means of political support. The right hon. gentleman next referred to the evidence of the petitioner Grady himself, in which he had stated that Mr. Quin had offered him one year's income, as a compromise for the loss of the situation. This, he contended, could not be construed into a hope on Mr. Quin's part, that he would get the political support of Mr. Grady in consequence. It could not be imagined that then, immediately after the election, he could have looked to Mr. Grady's support at the end of six or seven years, after depriving him of an office, and only allowing him a year's income from it as a compensation. He next adverted to the evidence of Mr. Carew Smyth, and maintained that it went directly to prove, that up to the 21st Sept. there was no mention made of any political support as a consequence of the situation. Between that time and the 10th of October, the impropriety, if there had been any, was committed; but whatever it was, it was evident that by the 10th of October, he had repented of it. In his letter to Mr. Gabbett, he positively disavowed any intention of shackling Mr. Grady in his political conduct by the grant of the situation. Here it was that he (Mr. Peel) differed from the view taken by the hon. and gallant officer, that Mr. Quin could claim no merit from the disavowal of any expectation of political support, in consequence of the grant. He conceived that this act was entitled to consideration, as it showed that Mr. Quin had given up any view of political support long before he could have known that the matter would be made the subject of parliamentary inquiry. It had been said, that a letter was delivered by Mr. C. Smyth to Mr. Quin, from Grady the elder, on the 8th of October, in which an allusion was made to the probable result—a parliamentary inquiry. Of this letter Mr. C. Smyth spoke in his evidence, and having stated that it was a very long one, he added he had read it, as it was sent to him unsealed. He had a general recollection of its contents, but did not remember any thing of a threat about a parliamentary inquiry. This was further confirmed by the evidence of Mr. Maunsell, with whom Mr. C. Smyth had had communications upon the subject at the time; and he stated, that he never heard the report of an intended application to parliament till November or December following. It was, therefore, he contended, evident, from the testimony given before the House, that Mr. Quin was not influenced in his disavowal of what had previously been done, by any threat of having the matter brought before the House of Commons. The right hon. gentleman then adverted to that part of the case where it was said that Mr. Grady should remain politically connected with Mr. Quin as long as he continued to receive the annuity

of 200*l.* a-year. This he did not mean to defend, but he contended that it did not deserve the character which had been given to it. He then stated a part of Mr. C. Smyth's evidence, which referred to the conversation with Mr. Quin on this subject. He did this to show that there might be a misconception, and that the testimony of Mr. C. Smyth and the other witness might be reconciled. Mr. Goold had made a statement which was supported by Mr. C. Smyth's testimony, that Mr. Quin would give no pledge. Now, the House ought to observe, that up to the 21st of September, there was no stipulation for political support, proposed to the petitioner, and that the petitioner might have accepted and enjoyed the benefit of the 200*l.* without any claim of support at all, or on the simple understanding that the previous friendship between the parties was to continue. The interview in which the engagement was first proposed took place at that period. With regard to this interview, it ought to be borne in mind, that it was proposed and courted on the part of Mr. C. Smyth, and not on that of Mr. Quin. It would appear from the evidence of Mr. C. Smyth, that Mr. Quin was rather adverse to a long conversation on the subject. He said, on his first entering on it—"Now let us understand each other." In looking over the letters which Mr. C. Smyth addressed to Mr. Grady, jun. and Mr. Grady sen., giving an account of the interview he had with Mr. Quin, he distinctly stated, that he thought if the petitioner received the annuity he would be bound in honour to support Mr. Quin's political interests in the county. In the letter to Mr. Grady, jun. he said, "as to giving him your support, I think Quin is entitled to require it. On the ground of making a voluntary gift, he was entitled to expect that any person accepting of such a considerable portion of his patronage, the only one the place of custos affords, should give him his support in the county." He (Mr. Peel) stated this, not to criminate Mr. C. Smyth, but merely to show his opinion at this particular time. In a letter written to Mr. Grady, the elder, the same opinion is expressed: "I have no hesitation, (he said), in giving my opinion that he ought to accept of the proposed arrangement, and pledge himself to support Quin; for I do not see how he could well receive the profits of a place in his patronage, and oppose him in the county. It will be too romantic a notion, to expect that Mr. Quin would submit to it, particularly as he is not always sure of being on a bed of roses." Such, then, were the sentiments with which Mr. Smyth went to the interview at Stillorgan; Mr. Quin met him with similar ideas and feelings. Now he (Mr. Peel) did not approve of the indulgence of such expectations, or the making of such engagements, but they were indulged and made every day, without exposing the parties to be visited with any loss of reputation in the eyes of the world, or with any punishment in law. Suppose that, instead of beginning the conversation as detailed in evidence, Mr. C. Smyth had addressed Mr. Quin in the words of his correspondence, saying, "If you give the 200*l.*, you are entitled to Mr. Grady's support. If you make a voluntary gift of a part of your patronage, the only one which the place of custos affords, you are entitled to his support in the county. I am sensible that it would be a romantic notion to expect that you would submit to the condition of surrendering so much patronage to a person who would oppose you in the county." And if Mr. Quin were to assent to this, and say, "I indeed expect, that so long as Mr. Grady enjoys an annuity from an office at my disposal, our political interests will not be separated;" would there have been any thing in the transaction which could be laid hold of as matter of crimination? Did not such instances of mutual understanding occur every day? Did it not occur in the case of a landlord who let his land to his tenants on favourable leases? When this took place, was not the benefit given in consideration of political support? If the tenant, distrusting the good will of his landlord, demanded a pledge of his continuance in his farm, the landlord would say, "I will give you no such thing." If afterwards the tenant should say, "As you will give me no pledge of my continuance in my farm, I infer that you mean to turn me out of it whenever you choose, or whenever our political interests do not agree;" the landlord would say to this, "I care not for your inferences, but I am resolved not to give the pledge you demand." Then let the tenant return with the minute of the conversation and require the signature of the landlord. The landlord, if he subscribed it, entirely changed the character of the transaction. He might come to an understanding with his tenant about

receiving his political support for the favourable conditions of his lease; but if they conversed on the subject of that engagement, and consigned the promise on the one hand, and the support on the other, to writing, it became an illegal instrument, and not expressive of a fair understanding. He did not put the case as entirely parallel, although there were many points of resemblance. Mr. Quin refused to sign the minute; and it ought to be recollected, that the conversation was reduced to writing at Mr. C. Smyth's request, and not at his. This afforded a sufficient proof, that he did not require a pledge of political support, but that the minute was really drawn up, as Mr. Smyth had said, merely to assist his memory. If this minute had not been made, and if the interview of the 21st had not taken place, the annuity would have been given as offered by Mr. Quin, who would have relied on a fair understanding of support, without being exposed to the consequences of the present petition. It was plain that Mr. Quin wished to let the matter rest on the usual footing; and a more particular explanation was called for by the petitioner, which led to the conversation and the minute that embodied it. He did not mean to blame Mr. Smyth, who, he was convinced, only wished the conversation reduced to writing, that he might prevent, as he himself said, a misunderstanding; in which wish Mr. Quin acquiesced out of motives of accommodation. It should be recollected too, that the conversation was not renewed by Mr. Quin, but by Mr. C. Smyth, who asked the former, whether in the event of his being called to the upper House, on the death of his father, lord Mount Earle, he would consider the petitioner as bound, for his annuity, to support his friends in the county. It was then that the minute was presented, and the transactions being reduced to writing, assumed a very different character. He again disclaimed attributing any motives to Mr. C. Smyth in his anxiety to have the conversation reduced to writing, except those of wishing to prevent a misunderstanding, knowing the people he had to deal with; and he was fully convinced, that he did not deserve the lavish compliments bestowed upon him by Mr. Grady the elder, who seemed exactly to comprehend the difference between a fair understanding and a written agreement. In his letter, dated Boulogne, the 20th of October, 1818, he thus addresses Mr. C. Smyth—"Your perseverance was manly, kind, and disinterested, and I am perfectly satisfied with the result of your administration. I know not what part of it most to admire—the coolness and ingenuity with which you led Quin on, at his interview with you in Dublin, from a coquetry to a full declaration of his passion for bribery and corruption; the simplicity with which you conducted him to a written testimonial of that declaration, or the face with which you handed him my letter, at your farewell interview with him at Adare; it was a kind of P. P. C. compliment, which you made him at the very nick of time; one moment sooner, 'twould have been too early; one moment later, 'twould have been too late; but you seized the moment when he was glorifying himself upon his triumph, to satisfy him that the battle was only in its infancy." In another of his letters to the same gentleman, dated the 2nd of October, he clearly showed his knowledge of the same difference—"Twas d——d insidious of you, and a great shame to have asked Quin to sign the deed of charter-party, and this I suppose you did as coolly as if it was a lease of a tenement in Adare; but the blockhead, thinking he was very wise in not putting his name to it, at once showing his sense of its profligacy, and furnishing the most conclusive evidence of it, shows me that he is not a man of judgment, and that the system of corruption is capable of being pushed to lengths that will undo itself; that fraud is always weak, and cunning always foolish." He (Mr. Peel) could appreciate Mr. C. Smyth's motives for not rejecting these compliments with the indignation they deserved. He knew the character of the person he had to deal with, and the poetical style of his writing. But he (Mr. Peel) was sorry he did not testify his displeasure at the manner in which he was addressed, and give these disgusting compliments an indignant rejection. He was sorry that Mr. C. Smyth did not repel such a disgusting familiarity, and reprove that unfeeling coolness with which he contemplated the sacrifice of an unsuspicious man to his vengeance.—He now came to that part of the evidence on which it was fearful for him to touch—he meant the unhappy contradiction in the testimony of Mr. C. Smyth and Mr. Goold. He fully relied on Mr. Goold's testimony, and was convinced that when he denied an interview which was afterwards admitted, his me-

mory had failed him, rather than that he had any intention to conceal the truth. Though he was not personally acquainted with Mr. Goold, he owed it to his character to say, that he was highly respected by all who knew him, and that he had attained such a reputation in his own profession, that he had been recommended by the law officers of Ireland to the lord lieutenant for promotion. On a full view of the case, he was ready to admit that Mr. Quin expected political support from the petitioner for the proposed annuity, and that he had entered into a negotiation on the subject. He sincerely wished he had been explicit with the petitioner at first; that he had said, "I cannot continue you in your appointment, and certainly will not consent to the division of the emoluments of the office." However common such a practice was as the division of an office in Ireland, he (Mr. Peel) had always disapproved of it. The emoluments, if more than a sufficient remuneration for the person who filled the office, which in general they were not, ought to be reduced to the level of its duties, and not to be given to those who performed no duties at all. Mr. Quin was wrong in dividing the office; he was wrong in proposing any conditions; but he had never bargained for political support; and had he not had the unfortunate interview with Mr. C. Smyth, the matter might have rested on that fair understanding which no one could strongly censure. His motives at first, for dividing the office, were a friendly regard to the family, and sympathy with the situation of the petitioner. Between July and September much difference had taken place between him and the friends of Mr. Grady, and threats of calling him out were held over him. It was not likely, therefore, that he would expose himself to their vengeance, by making an illegal bargain. He had afterwards, in an interview with Mr. C. Smyth, admitted the mention of conditions; but the transaction not being finally arranged, the proposal was quickly repented of. In these circumstances, the censure proposed by his hon. friend behind (Mr. W. Bootle) would be severe enough. He begged his hon. friend on the other side (Mr. F. Douglas) to consider the nature of the proposed resolution, and weigh the punishment which was implied against the offence. He begged the House to recollect, that it was not until the 21st of September that any stipulation for support was heard of, and on the 10th of October it was voluntarily surrendered. He implored the House and the gentlemen opposite, not to consider the whole charge as proved, though some facts, which were to be regretted, were established—not to triumph on one issue, or to permit their feelings to condemn, when there was so much to extenuate [Hear!]. He had heard of attempts made to influence public opinion on this subject by the publication of evidence, and he was sorry to see that publicity had been given to a letter which was laid aside by the committee appointed to report on the parts of the correspondence that might be produced as material to the case. This letter, which was written by Mrs. Grady to Mrs. Quin had been most improperly printed and circulated, not in any of the newspapers, but in a separate sheet, which he held in his hand.

Sir *James Mackintosh* rose, he said, to perform a painful duty—to explain the grounds of the vote which he meant to give on this important occasion. If he were capable of forgetting for a moment the principles of moderation, the example of the right hon. gentleman, who had so manfully and so eloquently performed his part, would recall him to the right course. In beginning the observations he had to make, he begged that the evidence alone should be referred to, and that every thing extraneous should be discarded from their minds. No letters had come to his hand of the kind alluded to; and even if they had reached his hand, they would not have influenced his judgment. The question before the House—the issue which they were bound to try and make a free deliverance on—was not, whether this or that part of the petition was supported, as seemed to be thought by the right hon. gentleman, but whether a transaction had been entered upon, by which the privileges of the House were invaded. In short, the issue to be tried was, did Mr. Quin, on the 21st of September last, offer 200*l.* to the petitioner for his political support at elections? If this issue was proved, the offence had been committed. The offer of the 200*l.* was enough; the conversation in which it was offered was supported by evidence; the minute, though signed, would have done nothing more than confirm that evidence. The right hon. gentleman seemed to place great stress on the minute of what took place on the 22nd, whereas the conversation of the

21st was not at all affected by what happened subsequently. He would speak shortly to the three positions of the right hon. gentleman. He had said, that up to the 21st of September, the offer of the 200*l.* a year had been made to the petitioner, unclogged with any stipulation of political support. It was scarcely fair reasoning, from the facts disclosed, to infer, that Mr. Quin was immaculate till that time, with temptations to declare himself, because, in fact, he had scarcely any opportunity. The friends of Mr. Grady stood out first on two grounds, in demanding a continuance of the petitioner in office; first, that he could not be legally removed, from the want of power in the new custos to do so; and, secondly, that he could not be honourably removed, because he was protected by a promise of the custos. He would not enter into these two arguments. He would not say that Mr. Quin had made a promise to Mr. Grady; but this he would say, that the latter said he believed him to have done so. Now it was plain, that there could be no negotiation about political support for part of the emoluments of the office, while the petitioner was laying claim to the whole, either relying on his own legal title to it, or on Mr. Quin's promise that he should not be disturbed in his enjoyment of it. It was true that some person had mentioned the expedient of providing for Mr. Grady by 200*l.* out of the office in August; but no proposal of that kind had been made to the petitioner till afterwards. Though, therefore, the proposal only came in the shape in which it now appeared, in the month of September, yet there was an understanding of political support from the beginning. He stated this as no new charge against Mr. Quin; but merely to show, that the argument of the right hon. gentleman was not conclusive, when he said that the proposal of political support was made, for the first time, on the 21st of September, and continued only till the 10th of October; whereas the expectation had existed for two months previous to the former period. There was also another point to be taken into consideration, which was very material to this argument. In the intermediate time between July and September, the hon. member had begun to suspect, that the Gradys were inclined to withdraw their political influence from him, and to give their support to one of their own family, who at that time had declared himself a candidate for the county of Limerick. Here was a motive which might explain the difference of language used by the hon. member at Stillorgan and at Dublin; and here was a reason for the demand which he had made for Mr. Grady's political assistance. On the third point, he was happy to say, that he completely agreed with the right hon. gentleman. It was his desire to administer strict justice to the hon. member, and he therefore could not help saying, that Mr. Quin's behaviour on the 11th of October was such, as to entitle him to all the credit which could be given to man for reformation of conduct, and was such as ought to go a great way in extenuation of the offence which he had undoubtedly committed. Before, however, the House decided on the punishment to be assigned to this offence, it ought to examine into the nature of the offence itself, and to comprehend clearly in what it consists. This would be most easily seen by a review of the conversations which had taken place, first at Stillorgan, and then at the house of Mr. Carew Smyth. And here he was glad to say, that the manner in which the right hon. gentleman had treated the evidence of Mr. Carew Smyth, had delivered him (sir J. M.) from great embarrassments. He had not attempted to impeach Mr. C. Smyth's character in the slightest degree, nor, if he had, would he have succeeded. He had no personal acquaintance with Mr. C. Smyth, nor had ever seen him before his appearance at the bar of that House; but he could not help observing, that after thirty years partly of legal and partly of judicial practice, in which he had listened to the examination of many witnesses, he had never seen a man acquit himself with such credit as the gentleman to whom he alluded. In the face of every thing that was respectable in the country, from either rank, character, or station, he had, though unknown and unaided, except by his own intelligence and integrity, made the strongest impression on every member in that House; and though surrounded by many difficulties, such as had never befallen any witness before him, had fairly risen superior to them all. With regard to the testimony of Mr. Goold, he wished to treat him with all the respect due to those by whose advice he had been raised to the distinguished situation which he held at the bar; he wished to treat him with all the respect due to the situation itself; because, from the high character

of the members of the Irish bar, he was well aware, that the same eminence was always attended by the same virtues at that bar, as it was at the English bar; yet, with all these feelings of respect towards Mr. Goold, he was compelled to declare, that owing to Mr. Goold's defective memory, his evidence might as well have been struck out of the minutes. In using this language, he did not attribute to that gentleman any want of principle: he had himself seen, at various times in his legal experience, numerous instances of extraordinary forgetfulness, and was therefore firmly convinced, that the omissions in his evidence arose entirely from the defective state of his memory; still, however, the forgetfulness was such, that no person could or ought to believe such testimony. No person could say, that the learned gentleman might accurately recollect what passed at eleven o'clock, and yet totally forget what passed at three. No person could say, that on the second day he might accurately recollect stopping at Mr. Smyth's, and sending his servant to rap at the door, and yet might totally forget that he ever entered the house. No person could say, that he might accurately recollect some parts of the transaction, yet totally forget those extraordinary circumstances which were of so striking a nature as even to awaken the recollection of the hon. member (Mr. Quin) himself. But if this forgetfulness were not to be considered as invalidating the remainder of Mr. Goold's testimony, what would the House think of his forgetfulness of the correspondence which he had carried on with Mr. Carew Smyth, a correspondence which was so momentous in its consequences? The interview in the morning at Mr. C. Smyth's, not only showed great caution on the part of the hon. member (Mr. Quin), but it also showed great anxiety to see the minute; it showed also a third point—that if Mr. Goold was there at eleven, he must have known the contents of that minute; and that if he had forgotten them, he had forgotten the most material point which was to be found in his case. He therefore was of opinion, that Mr. Goold's testimony ought entirely to be left out of consideration; and he declared this to be his opinion, without having the slightest intention of casting any reflexion on that gentleman's honour, and from a firm persuasion, that the witness who had forgotten one part of a transaction, might not have a very faithful recollection of the other. Leaving, then, Mr. Goold's testimony completely out of the question, what was the statement which Mr. Carew had given in, of the words which the hon. member used upon this subject? Mr. Carew Smyth's evidence affirms, that Mr. Quin said, "I give Mr. Thomas Grady 200*l.* a year; but I expect, in return, that Mr. Grady and his family should remain politically united with me in the county of Limerick." Could these words be construed into any thing else than an express condition? If they could not, the charge was substantiated, if the House believed them to have been used. If any member did not believe them to have been used, he would thank him to state the grounds of his unbelief. His reason for thinking that they had been used was, that if Mr. Goold's testimony were rejected, the statement of Mr. C. Smyth was not merely uncontradicted, which was strongly in its favour, but was also corroborated by many collateral circumstances. He had written a confidential minute of the conversation to Grady the father, and also to Grady the son. Now he (sir J. M.) would wave for a moment the unimpeachable character which Mr. Smyth possessed; he would keep out of his mind the clear and satisfactory manner in which he had given his evidence; he would suppose him to be any thing but the respectable man he appeared to be; and he would then ask the House, of what use or interest it could possibly have been to him to have deceived the Gradys in the representations which he made to them of the conversation which he held with Mr. Quin? These minutes were in the possession of the House, and corresponded with each other in form and substance. The words, "I give Mr. T. W. Grady 200*l.* a year, but I expect in return that Mr. Grady and his family should remain politically united with me in the county of Limerick," related to a matter in which Mr. C. Smyth was merely acting as an agent, and were therefore likely to make a strong impression on his mind. He had stated them almost in the same terms to the Gradys, to Maunsell, in short to every person whom he met at Limerick at the time, when such a discussion as the present was not contemplated, and when he therefore had no temptation to give any false colouring to the tale which he told. In answer to the observations which had been made on the impropriety of Mr.

Smyth's taking this minute, he reminded the House that Mr. Smyth was only an agent, while Mr. Quin was a principal. Mr. Quin being a principal, he had no particular occasion for a minute; but Mr. Smyth being an agent, wished that a minute might be taken of the conversation, in order that he might send an undeniable account of it to the Gradys, the parties for whom he was interested. With regard to the elder Grady, whose conduct he did not come forward to defend, he had been justly punished for a breach of the privilege of parliament in sending a threatening letter to one of its members. Whether right or wrong (and he could wish that many individuals had never acted more wrong), Mr. C. Smyth was desirous of bringing about a compromise, which, if effected, would have prevented the painful discussion on which the House were then engaged. It would have been better, perhaps, for that gentleman, if he had not been subdued by a feeling of tenderness to an aged relative, reduced in circumstances and infirm in health, and if he had not suppressed that indignation which he must have felt at so unworthy a proposal. On the 27th September, the elder Grady had no design of accepting this compromise; because, if he had, why should he have condemned it? In justice to that gentleman he would say, that if Mr. Smyth did not show resentment at such a proposal, neither did the hon. member himself; because it appeared from his own letters that Mr. Quin did not think Mr. Grady unworthy of his friendship after such a proposal had been made. Under all these circumstances, he thought that the House could not avoid passing the resolution, that the 200*l.* a-year had been offered on conditions. In regard to the punishment to be inflicted on the hon. member, he conceived that his subsequent offer of this annuity, without conditions, to young Grady, was a circumstance of such a nature, as ought to lead to a mitigation of punishment. He should be sorry to vote for the hon. gentleman's expulsion, though he certainly should vote for some severe censure being passed upon him; because, if a public servant were allowed to abuse the patronage of his office for parliamentary purposes, without suffering the slightest punishment, one of the most dangerous wounds that it would be possible to inflict, would be inflicted on the character of the House of Commons, and on the constitution of the country.

Mr. *Plunkett* said, that important as the original question was to the individuals concerned, and to the public at large, it acquired additional importance from circumstances connected with the persons who had been brought forward as witnesses. He felt much satisfaction at the liberal manner in which his hon. and learned friend had commented upon the evidence of Mr. Goold, acquitting his character, while he condemned his recollection. How his memory had upon some topics become an absolute blank, it was hard to account; but that it was done without any wish to pervert the truth he was as confident as he was of his own existence. If it was possible for him to discharge that opinion from his mind, and to suppose that his motive was dishonourable, he should leave the House impressed with the melancholy conviction, that hereafter he could trust no man. He had known the witness upwards of forty years, and could pronounce, on the authority of that experience, that there was not a more honourable character in existence. But the witness was also known to persons whose opinion was more influential than his own. He was known to a right hon. friend of his, who used to sit on the bench below him, and whose loss they all deplored, the late Mr. Ponsonby. He did not mean by this tribute to the character of Mr. Goold, to throw the least imputation upon that of Mr. Smyth, whose integrity was never suspected: but while he thanked his hon. friend, for the candour he had shown to Mr. Goold, he was not prepared to go with him the length of omitting the whole of Mr. Goold's evidence. He would allow that where his evidence came in competition with that of Mr. Smyth, the latter was entitled to preference; but there were points in which Mr. Goold was uncontradicted by Mr. Smyth. He thought that their evidence, as compared with each other, presented four points of difference:—1st, It was asserted by Mr. Smyth, that the refusal to sign the minute was by Mr. Goold, and not by Mr. Quin—2nd, That on the 22nd of September, the denial was of a signature, and not of the truth which it contained—3rd, That Mr. Goold declared he would be ready at all times to attest the fact: and the 4th and most material, involved this question, whether Mr. Quin did on the 22nd Sept., when Mr. Goold was present, acknowledge that he was the person who stated that the grant

should be given on condition of his receiving in return political support. It was asserted by Mr. Smyth, that before Mr. Quin had time to answer, on being requested to sign the minute, Mr. Goold said, "I have advised him not to sign it, because it relates to an office connected with the administration of justice, which it is not fit that a member of parliament should sign."—The first observation he should make on this was, that it was contradicted by the minute itself, for they would find a memorandum at the bottom of the minute, in which Mr. Smyth states, that for certain reasons then expressed to him, Mr. Quin declined signing it. Mr. Smyth afterwards attempted to explain that away; but it appeared, from his own letter to Mr. Grady, that it was Mr. Quin who refused to sign, and who stated the reasons for so doing. That letter informed Mr. Grady that Mr. Quin had refused to sign the minute, and conjectured the reason to be the alarm produced in his mind by reading Mr. Grady's letters, in which he threatened him with breaking up the office. That was the first material point of contradiction between Mr. Smyth and Mr. Goold, which he mentioned not to impute falsehood to Mr. Smyth, but to show that his recollection might be fallible as well as Mr. Goold's, and that it had failed. But to show that Mr. Goold's testimony ought not to be totally rejected, he would go to the next point, and call for attention from the enlightened mind of his hon. friend. Mr. Quin's objection was said to be, not to the truth of the statement, but to the signature, because the minute contained something relative to an office connected with the administration of justice, which it was not fit that a member of parliament should sign. What was the meaning of this?—that the office was prostituted to parliamentary purposes. Here was an admission of guilt. The meaning of Mr. Goold's advice, as stated by Mr. Smyth, according to the fair interpretation, amounted, therefore, to this —"My objection is not to the guilty contract, but to your signing it." Did any one think that such an avowal was rational in the presence of his bosom friend, and of the agent of his enemy? It was not possible—it was not in human nature. The next ground of difference showed the impossibility in a still clearer light. Mr. Goold was stated to have declared himself ready at all times to make the avowal, so that guilt was acknowledged and secrecy stipulated, yet Mr. Goold was always to be ready to explain. He would say to this, *incredulus odi*, he could not believe it. The fourth point of contradiction included the whole merits of the case. Did Mr. Quin acknowledge that the proposition of granting 200*l.* a year to Mr. Grady on condition of political support, originated with himself or with Mr. Grady? The latter was the more probable supposition, for Mr. Quin, granting the office during pleasure, need not have stated the condition annexed. It was uncessary to Mr. Quin, it was essential to Mr. Grady, that it should be stated. He begged also to recall to the recollection of the House an admission made by Mr. Smyth himself, that a grant during pleasure, without any stipulation at all, would never have been accepted. Up to the 21st of September no proposition was made, and the whole statement of the proposition grew out of the evidence of Mr. Smyth alone. Of the conversation of the 21st, Mr. C. Smyth related to the House only the substance. That conversation lasted an hour. Now he could not help thinking, that, some how or other, the proposition for connecting the electioneering support with the grant, originated during that conversation with the person most interested in the subject, for the purpose of eliciting Mr. Quin's opinion. If so, he could not consent to crush that hon. gentleman, by such resolutions as those moved by the gallant general. He begged the House to cast their eyes over Mr. C. Smyth's evidence. He did not state how the subject had been introduced. When he described the subsequent conversation with Mr. Quin at Adare, he told the House that Mr. Quin said to him "Did I not at your house say that Grady was as free as air?" Mr. C. Smyth did not deny that Mr. Quin had said so. His reply was, "Oh! then perhaps we may all agree." Was there not in this omission to contradict Mr. Quin's declaration, a recognition of the fact, that Mr. C. Smyth had left a great part of the conversation of the 21st unrelated? For his part he (Mr. Plunkett) believed that in both cases the demand was made on Mr. Quin, and the refusal thrown on him. That was a vital part of the question. Down to the 21st of September there was no allusion in the evidence to any provision respecting electioneering interest. After the 21st it had been uniformly denied by Mr. Quin

that there had been any. The allegation rested on the sole evidence of Mr. C. Smyth. The reverse was asserted by Mr. Gabbett, Mr. Smyth, and Mr. Roche. In the evidence of Mr. Gabbett it was stated that at his interview with Mr. Quin at Adare that gentleman had expressed his determination "to be as free as Mr. Grady himself," There was pressure on one side and resistance on the other; but, in opposition to the statement of Mr C. Smyth, it appeared by the evidence of Mr. Gabbett, that it was Mr. Grady who pressed, and Mr. Quin who resisted. By the evidence of Mr. R. Smith, it appeared that Mr. Quin told him, "that he wanted no such pledge from Mr. Grady," and that on his telling Mr. Grady this, Mr. Grady replied, that "he was perfectly satisfied with Mr. Quin's good intentions." Lastly. there was the evidence of Mr. Roche, which appeared to him to be quite conclusive on the subject. Mr. Roche sated, that in the latter end of September he had been present at a conversation at Adare between Mr. Quin and Mr. Grady. Mr. Quin said, "I have secured for Mr. Grady 200*l.* a year, which Is to be paid by Mr. Smith, which you may have if you please, Mr. Grady." "But," replied Mr. Grady, "suppose my freeholders do not vote with you, what then is to become of the 200*l.* a year?" What was Mr. Quin's answer? "I have nothing to do with your freeholders, Sir; I give you this 200*l.* a year as a friend, and the son of a friend whom I am much obliged to, and I beg to hear nothing of your freeholders: you and your freeholders are at liberty to vote for whom you please." Mr. Grady stated, that Mr. C. Smyth had written down, that he expected his freeholders. "Then," said Mr. Quin, "if he wrote any such thing as that, he wrote you what he was not warranted in saying, and I now tell you the reverse; I would not offer you or myself such an indignity." Now if Mr. C. Smyth's recollection was correct; if on the 22nd he put a memorandum into the hands of Mr. Quin, which Mr. Quin said was true, and the truth of which Mr. Goold was ready to attest, was it possible that Mr. Quin, knowing that that document was in Mr. C. Smyth's possession, and that Mr. Goold was ready to attest the accuracy of it, would presume to say that he should consider such an offer as that which it contained, an indignity both to Mr. Grady and himself? Would that be the language of a man conscious of having acceded to, although he had refused to sign, such a proposition? From all these circumstances, he (Mr. P.) deduced the inference, that the proposal in question originated with Mr. Grady, and not with Mr. Quin. Did this make no difference in the case? Was there no difference between extorting a condition of support at the time a grant was made, and replying to an inquiry, while a grant was making, that you would make no stipulation? Was not the last compatible with the highest mind—with a mind that could not bear to be bound even to act generously and nobly? If Mr. Quin had confined himself to that, his conduct would have been innocent, justifiable, and natural. But in his (Mr. Plunkett's) opinion, he had not done so. He had suffered himself to be led into a discussion of terms. That discussion once entered into, the whole negociation became corrupt. But still there was a great difference between a man who originated and completed a corrupt transaction, and a man who, having been led into the discussion of such a transaction for eight or ten days, eventually abandoned it. What could the House do towards Mr. Quin, even had he originated and completed the bargain in question, worse than that which had been proposed by the gallant general? If the House resolved, that he had dealt corruptly in his office of custos rotulorum, and that he had dealt corruptly as a member of parliament, he must lose the one, and be expelled from the other. He certainly thought Mr. Quin's conduct censurable, but he was by no means disposed, by acceding to the original resolutions, to give a triumph to a person who, having just decoyed him, had afterwards threatened him, and whose whole conduct had been most malignant and hateful. With respect to Mr. C. Smyth, knowing him as an old friend, and valuing him as he did, he could not help regretting with the right hon. gentleman opposite, that he had not rejected with indignation the compliment paid him by Mr. Grady, sen. on the dexterity with which he had entrapped his victim. Under all the circumstances of the case, he felt that he could not possibly concur in the resolutions proposed by the gallant general.

Mr. *Wynn* said, that after a most attentive perusal of the evidence, he had come to a different conclusion to the hon. and learned member who had just sat

down. He, at some length, went over the different points of evidence, particularly referring to the conversation of the 21st Sept. He observed, that the statement of Mr. Carew Smyth had been confirmed in the most material points by indisputable testimony. By whom was it confirmed? By the hon. member Mr. Quin himself, in his place in the House. He had distinctly stated, that he had hoped and expected that Mr. Grady would have given him his support, but denied having made any stipulation. With regard to the meeting of the 22nd Sept. Mr. Carew Smith was equally positive in his declarations; and was it possible to suppose, placed in the situation in which he was, that he could be mistaken as to what passed on that occasion? Unless that gentleman intended to be guilty of a wilful falsehood, the House could not reject the testimony. It was also to be recollected, that Mr. Smyth had written an account of what had passed to Mr. Grady, and that this document was similar, in all respects, to the account he had given at the bar of the House: both accounts tallied exactly. He therefore thought that the evidence of Mr. C. Smyth ought to be relied upon. He recommended the introduction of a bill, extending the act of the 49th of the king to Ireland, thereby placing that island on the same footing with England, with respect to such offices as the custos rotulorum. There was one omission in the resolution of the gallant general which he wished to be supplied; it was, that after the commission of the offence Mr. W. Quin had done his utmost to withdraw himself from it; this ought to be stated in a substantive and separate resolution, as affording a strong circumstance of mitigation. On the other hand, his bold and unqualified denial, when first the subject was introduced, and before evidence was called, and which denial was directly adverse to the truth, was a considerable aggravation. He was by no means prepared to concur in the more lenient resolutions, for the offence was a high breach of privilege; and if the House had proceeded with such severity in the case of Ferguson, it was called upon to come to a vote of some severity on the present occasion. Had Mr. W. Quin not withdrawn himself by repentance as far as it was possible for him to retreat, he should have thought that the case demanded the strictest and most solemn proceeding; it might have been proper not merely to have expelled the hon. member, but to have addressed the throne that he might be removed from his office, and prosecuted by the attorney-general. As it was, the case was stripped of some of its grosser features, although the House was bound to come to one of two conclusions—either that Mr. Quin had been guilty of the offence charged, or that a foul conspiracy had existed against his honour. For his own part, he was convinced that a corrupt attempt had been made, though not completed, and that no conspiracy had existed; and under these circumstances, with the amendment he had suggested, he should vote for the original proposition.

Mr. *John Smith* said, he had heard with great concern certain unfounded insinuations against the testimony given by Mr. Carew Smyth: he had heard them with the more pain, because he had long had the honour of being intimately acquainted with that gentleman; for twenty years the strictest intimacy had subsisted between them, and Mr. Smyth had often been an inmate in his house and family, and he had every reason to be satisfied that his honour was unstained, and his character unimpeachable. Within an hour after his arrival in London, he had seen him, and the narrative he then gave forced reluctant conviction that the charge was but too well founded. Referring, however, to the testimony of Mr. Goold, truth demanded that he should state, that at least some parts of it were liable to strong suspicion. It was remarkable to see how unfortunately defective his memory had been upon all the material points against Mr. Quin, while it was competent to the relation of the minutest incidents of conversation when they operated in his favour. Admitting for a moment that the evidence of Mr. C. Smyth was not sufficient to substantiate the accusation, all and more than was necessary was furnished by Mr. Goold himself; not so much in his oral testimony as in his letters; documents which he could neither deny nor explain away. His note to Mr. C. Smyth seemed of itself decisive. The conduct of Mr. C. Smyth throughout had been unexceptionable; and it might in some respects be considered fortunate that at this moment he had not given his evidence in the same manner as Mr. Goold: if, he had done so, he would no doubt have been in Newgate.

Mr. *Grattan* wished merely to say a few words respecting the character of Mr. Goold. He had known that gentleman for above twenty years—he had known him in public and in private—he had been very much in company with him—and he had been also in company with other gentlemen of the best character and best family in the country; and he would say this—if Mr. Goold was not an honest man, they were not honest. He would not inquire now into the exact measure of the accuracy of his evidence in this case. Mr. Goold might have been mistaken in one or two points; but there was not in this account the smallest ground for questioning his integrity. He knew him to be as incapable of falsehood as the best and honestest man in that House. He would be acting a dishonest part towards Mr. Goold if he did not state this, because he had lived on the closest intimacy with him. An hon. member had made an allegation, that had Mr. Carew Smyth given the same evidence as Mr. Goold, he would have been sent to Newgate. He would only say, if such a man as Mr. Goold, in consequence of a mistake which, he dared to say, signified very little—if such a man should be sent to Newgate, the dishonour would not attach to the man, but to the House. He agreed with all the arguments urged, and all the principles laid down by his right hon. friend (Mr. Plunkett), and he had too great respect for the House, after the eloquence and ability of the speech of his right hon. friend, to take up more of their time at that late hour.

Mr. *Martin* considered the conduct of Mr. Quin extremely reprehensible, in the manner in which he had deprived the young gentleman of his office. He thought he had not held that line of conduct towards him which he ought to have held, when he told that young gentleman, Tom, or whatever else he called him, "I would sooner give you an office than take one from you." He had heard a report which he thought very much to the credit of the member for Limerick, that he intended restoring that gentleman unconditionally to office [a laugh]. If he restored him to the office, it would give him a very exalted opinion of him:—and with a view to something of that kind, perhaps it would be better to adjourn the debate, as, in the present hurried way, the resolutions to which they might come were not such as ought to go down to posterity.

Mr. *Brougham* said, that upon a question like the present, where not only the character of an hon. member was involved, but also the characters of two other most highly respectable gentlemen, he did not think he should be justified in giving a silent vote. He hoped, however, he should be excused for saying,—without intending the slightest disrespect to the House, or thinking lightly of its privileges,—that he considered the charge, as it originally stood, and all the circumstance of extenuation or aggravation of the offence of the hon. member, to sink into comparative insignificance, compared with those matters which were incidental to the inquiry; and he particularly alluded to the character of these honourable gentlemen. If that offence had at once been fairly and candidly avowed; if, on hearing the charge, the hon. member for Limerick had felt that it was consistent with his own recollection, or that he could reconcile it with his own honour to have avowed that he had entered into this negociation which was never concluded—that he had entered into something like a traffic for political support in return for patronage; but that he threw himself on the consideration of the House as to the offence against their privileges, he was quite sure if the hon. member had taken this course, he would have stood that day much higher in the opinion of the House. But the charge against him was comparatively small; it was the manner in which he had defended himself; it was his unwarrantable denial of any share whatever in the transaction imputed to him, both in his speech when the charge was first brought forward, and in his speech of that night. It was painful to him that he was obliged to say that the hon. member had stated that which was not true. He had charged on those who had brought forward this accusation—including that most respectable witness, by whose evidence it was stated in opening the charge to the House that it would be principally supported—he had charged Mr. Carew Smyth with neither more nor less than a foul conspiracy to ruin his character by false accusations. The House had to see how far he was borne out in this charge. And this led to the examination of the pretensions of the two witnesses. It would be a circumstance still more painful if he were bound to express the same opinion with respect to the witness brought forward by the hon. member. He had been

present during the examination of Mr. Goold, had himself put questions to him, and had afterwards looked carefully to that evidence; and he was not prepared to say that that evidence was inconsistent with the supposition of Mr. Goold's honesty. It would, indeed, be hard on that gentleman, after the testimonies to his character which they had heard, to say that his evidence was incorrect, not because his memory had failed him, but from a determination to be guilty of a wilful misrepresentation. He took it to be a rule, that when the erroneous statement of a witness might be construed in two ways—when it was possible to account for his being wrong from misrecollection, and when it was possible to account for it from wilful misrepresentation; that then a man's good character came in aid in the interpretation of his motives. It was admitted on all hands that the evidence of Mr. Goold was not correct. Whence did the inaccuracy proceed? When he found that without any inconsistency, he could suppose this difference between the two witnesses to have arisen from defective memory on the part of Mr. Goold—when he saw also the feebleness of his bodily health, a circumstance which had been stated by the witness himself—he would say, look to the man's character and former life, and let that be interposed as a shield against the accusation of wilful misrepresentation. Having said this much as to the character of Mr. Goold, he would now come to the examination of what had been said as to the conflicting testimony of the other witnesses. He alluded particularly to what had been said on this subject by his right hon. friend (Mr. Plunkett). His right hon. friend had said, if they turned to the evidence, they would find a letter from Smyth to Grady, in which he said to him, that Mr. Quin declined signing the minute on account of the alarm created in his mind about breaking up the office; but if they would turn to another part of the evidence, they would find that Mr. Smyth states "the reasons for not having the duplicate were assigned by Mr. Quin, the reasons for not signing the minute were assigned by Mr. Goold." Now, if the House would only look to this alleged discrepancy, they would find it by no means bore the construction put on it by his right hon. friend. In the one case, he stated that Mr. Goold gave reasons against Mr. Quin's signing the minute—that was admitted—it was admitted that he did not sign—that he refused signing the minute, and then he afterwards said, I believe it was on account of the alarm created in his mind about the breaking up the office. He humbly apprehended this did not exclude the reasons assigned by Mr. Goold. In this case he was conjecturing argumentatively as to the real cause of Mr. Quin's not signing the minute—he was seeking for the correct reasons which actuated Mr. Quin, and not stating a fact. He did not see how, in common parlance, there could be said to be any discrepancy between the two. The next contradiction pointed out by his right hon. friend was of a more important nature. Mr. C. Smyth, in describing a conversation with Mr. Quin, stated, that on asking Mr. Quin to sign the minute, before Mr. Quin could reply, Mr. Goold interposed his advice, and dissuaded Mr. Quin from signing it. Then his right hon. friend had argued how improbable this was. He need hardly put his right hon. friend in mind how inconsistent this inference was with his own testimony in favour of Mr. Smyth, which was almost as unqualified as that in favour of Mr. Goold. Here he did not charge Smyth with forgetting, but of stating that to have happened which did not happen—and he was thus openly deciding in favour of Goold against Smyth. Mr. Goold, it was said in the evidence, interposed his advice. You, as a member of parliament, cannot sign this minute, containing a contract of an agreement to barter an offer for political support. Now, said his right hon. friend, was it conceivable that Mr. Goold, giving him only credit for common sense, should agree to the substance of the minute, and object only to the signing the minute? There was no difference in the corruptness of the transaction; but here he was comparatively indifferent to the transaction, and his sole objection was to the writing. The second part of this his right hon. friend had considered liable to the same observation, —Mr. Goold was ready at any time to come forward and testify that Mr. Quin had agreed to what was contained in the minute. Now, was it credible that he who refused to allow the signing of the minute should here say, Notwithstanding the refusal of my assent to signing this minute, I am ready to testify to the truth of the minute? He could not help thinking that the answer to this objection had been given by anticipation by a right hon.

member opposite (Mr. Peel). That right hon. gentleman had said, it was one thing to have an understanding respecting the disposal of patronage, and another to enter into a formal contract respecting the disposal of it—it was fair to bestow patronage on an understanding that it was to operate in a certain way—but to reduce this understanding to words would be going too far—and if this was going too far, how much farther was it going to reduce that corrupt bargain to writing? But, the reducing it to writing in this case was not the act of Mr. Quin, but of Mr. Carew Smyth—it was done by the party, but was Mr. Smyth's proposition. If the truth of this difference between an understanding and reducing it to writing struck all who heard it stated by the right hon. gentleman, was it extraordinary that an astute person like Mr. Goold, experienced in these matters, should view the matter in the same light? The non-refusal on the part of Mr. Quin to sign, was not confined, however, to that part of the transaction. Mr. Quin seemed to have felt, that writing ought not to interfere more than was necessary—all along he objected to interfere more with writing than was necessary; and above all, he took care that his hand should not appear to the minute; he thought Mr. C. Smyth had better write the alteration, as the whole had been written by him. But, with respect to the willingness of Mr. Goold to come forward to bear testimony to the substance of the minute.—It had been argued by his right hon. friend that the minute was only valuable as a record of the transaction itself; how then could Mr. Goold possess a willingness to bear testimony to the transaction, while he refused to allow the signing of the minute, which was merely a record of that transaction? But how, he would ask, was this testimony to be afforded by Mr. Goold? Was it to be taken for granted that he was to come forward at all times and in all places—that he was to declare this on the high-ways where three roads met. Mr. Goold was to testify to the validity of this minute in the form and manner in which it was likely he was to be called on to come forward—that was, between the two parties to this transaction, Mr. Grady and Mr. Quin—to either of the parties who were like to recede from it. The use of the minute was to keep them to the point. "No," Goold said, "don't let Mr. Grady have a minute, but the same thing may be done without one. I shall always be ready to come forward between you, the only persons who can doubt the account of Mr. Smyth in that writing. I shall always be ready to testify to it when I see the minute." After what they had seen in this inquiry, it would be dangerous to rest the minutes of a case on the character of the witnesses, or what they were likely to do. It was an argument never very safe to say, why did a man do so and so? This inquiry, for instance, left many things unaccounted for in the conduct of Mr. Quin. He should be very much puzzled to account for Mr. Quin's making that statement first given by him, which was now universally admitted to be at variance with facts—or to account for the statement made by him to-night. If he was to go elsewhere and state what appeared on the minutes, and give a description of the manly manner in which Mr. C. Smyth gave his evidence, and then were to mention these speeches of Mr. Quin, he would certainly raise a doubt in the minds of those to whom he addressed himself, that Mr. Quin ever made these speeches. He could not account for the extraordinary silence observed by Mr. Quin during the cross-examination of Mr. Smyth.—The hon and learned member then remarked, that his right hon. friend (Mr. Plunkett) had made very little of the three other witnesses, whose evidence was in fact nothing more than that of Mr. Quin at second-hand; for it had turned out, that it was Mr. Quin who had told Mr. Gabbett, it was Mr. Quin who had told Mr. Roche, it was Mr. Quin who had told Mr. R. Smyth what they had stated. Mr. Roche, indeed, was in part a witness of an interview which took place between Mr. Quin and young Grady; but it was manifest that Mr. Roche's evidence as to this interview was but too much characterised by the looseness which pervaded much of the testimony as to facts. This account of this interview was perfectly unintelligible. According to this statement, in proportion as Mr. Quin assented to every wish of young Grady, when he told him that he was free as air, this petitioner grew more and more enraged; at least this they were left to collect from what the witness said to him; for Mr. Roche admonished the petitioner not to go on in that way—told him he was ill-advised,

and that if his father was present, he would urge him to accept the office. There was a material difference between the course of argument of his right hon. friend, and that of the right hon. member for Oxford. The former was a justification, while the latter was an argument in mitigation of judgment. His right hon. friend had set up the evidence of Mr. Goold against that of Mr. Carew Smyth, and though not in so many words, yet, by the direction and tendency of his reasoning, had urged that Mr. C. Smyth was not to be believed in his assertions. This point he thought his right hon. friend would have some difficulty in making good. In the one case, they had a gentleman whose memory had been shown to be infirm, who had explained why it was so, and who had proved that he was in a state of bodily health, which alone might account for the aberrations he had fallen into. But with respect to Mr. C. Smyth, it was impossible that he could be deceived. If his assertions were not true, instead of being that honest man that the House believed him to be, a gentleman, whose evidence was consistent because it was true, and whose conduct had been marked by candour and manliness, he must be one of an opposite and odious description. He was obliged to say, that the evidence which was opposed to that of Mr. C. Smyth, could not be put in competition with it. The right hon. member for Oxford, on the other hand, had dwelt on grounds of mitigation, all of which he should not follow,—but of which one, which undoubtedly had weight, was, that the corrupt proposal had been relinquished by Mr. Quin. It certainly did not appear on the evidence, that it was after the threat of a parliamentary inquiry that the proposal was relinquished, though he lamented that the hon. member for Limerick was not able to make this matter more clear by the production of the first letter of Mr. Grady the father. But he thought, that though the treaty would have increased the offence, yet it could not be denied, that the negociation itself was an attempt on the freedom of election, the purity of parliament, and the privileges of the House. In the case of Ferguson, the bargain had not been completed; he had offered a place which was not accepted, and which it was not in his power to give. The same justice should be dealt out to the unprotected, undefended, obscure individual, who had no power to violate their privileges, and the man, not unprotected, not undefended, not obscure, not devoid of power to injure the privileges of the House. He concluded, therefore, by voting for the resolutions of his gallant friend.

Mr. *W. Parnell* said, he thought it ungenerous to infer blame in Mr. Carew Smyth, on the ground of letters which he had voluntarily produced.

Sir *J. Newport* expressed his conviction that a case had been made out which showed that a place had been offered on condition of political support. The office of clerk of the peace ought to be held during good behaviour, and not during the pleasure of any individual. He would therefore, now give notice of his intention to move for leave to bring in a bill to place that office, in Ireland, on the same footing as it stood upon in England.

Mr. *Plunkett* suggested, that if censure was to be passed, the present amendment did not go far enough. If the offence had been committed, it was a serious one, and deserved censure, although the object had not been carried into effect.

Mr. *Wilbraham* signified his readiness to listen to any suggestion from the right hon. gentleman, whose candour he most cheerfully admitted, but thought the words "improper" and "blameable" conveyed reprehension.

Mr. *Tierney* thought the amendment proposed by the hon. gentleman did not state the fact, and was contrary to the evidence; for Mr. Quin himself admitted that there was a virtual stipulation.

The three first Resolutions were then agreed to. On sir Robert Wilson's fourth Resolution being put, Mr. B. Wilbraham proposed an amendment, by leaving out from the first word "That" to the end of the question, in order to add the words, "in the month of July 1818, the said Wyndham Wyndham Quin did make an offer of the said 200*l.* per annum to Mr. Thomas William Grady, without any mention of an expectation on his part of Mr. Grady's future support in the county of Limerick; nor does it appear that the motive for making such provision for Mr. Thomas William Grady was to insure such support," instead thereof. The question being put, That the words proposed to be left out stand part of the question; the House divided: Ayes, 73; Noes, 162. The proposed words were then added, and the main question, as amended, put, and agreed to.

On sir Robert Wilson's fifth Resolution being put, Mr. B. Wilbraham proposed an amendment, by leaving out from the first word "That" to the words "but that," in order to insert, "the said Wyndham Wyndham Quin did, in a certain conversation held at Stillorgan, near Dublin, on the 21st September 1818, with Mr. Carew Smyth, who then and there waited on him, as the friend of Mr. Thos. William Grady, for the purpose of learning his determination touching the disposal of the said office, state that he had resolved to appoint Mr. Richard Smith to the said office during pleasure, upon an express understanding that Mr. Thomas William Grady was to receive 200*l.* per annum out of the profits thereof; and that the said Wyndham Wyndham Quin further stated, that he expected Mr. Thomas William Grady would continue politically connected with him in the county of Limerick as long as he continued to receive the said sum out of the said office; but that Mr. Thomas William Grady was at perfect liberty to relinquish the said annuity, and separate his political interest in the county of Limerick from Mr. Quin's; and that Mr. Carew Smyth stated, that he should immediately communicate the substance of the said conversation to Thomas William Grady," instead thereof. The question being put, That the words proposed to be left out stand part of the question, the House divided: Ayes, 154; Noes 81. The main question was then put, and agreed to.

List of the Majority and Minority.

Majority.

Alexander, James
Arbuthnot, rt. hon. C.
Ashurst, W. H.
Barnard, lord
Bankes, H.
Barne, M.
Barry, rt. hon. J. M.
Bastard, John
Bastard, E. P.
Bathurst, hon. S.
Bathurst, rt hon. C.
Beckett, right hon. J.
Bective, earl of
Becher W. W.
Bent, John
Beresford, lord G.
Binning, lord
Blair, James H.
Blake, Val.
Boswell, Alex.
Bourne, right hon. S.
Bradyll, T.
Brogden, J.
Browne, James
Browne, Peter
Butler, hon. C.
Callaghan, G.
Calthorpe, hon. F.
Canning, rt. hon. G.
Carroll, J.
Castlereagh, vis.
Chute, W.
Clerk, sir G.
Clive, hon. Rob.
Clive, H.
Cockburn, sir G.
Cocks, hon. J.
Cocks, hon J. S.
Colquhoun, rt. hon. A.
Congreve, sir W.
Courtenay, J. P.
Cranborne, lord
Croker, J. W.
Crawford, A. J.
Crawley, Saml.
Cust, hon. E.
Cust, hon. W.
Campbell, A. G.
Davis, R. H.
Dawson, G.
Douglas. John
Drake, T. T.
Dundas, rt. hon. W.
Edwards, J.
Evans, W.
Fane, John
Finch, hon. gen.
Fitzhugh, W.
Gifford, sir R.
Gilbert, Davies
Gladstone, J.
Gipps, G.
Goulburn, H.
Grant, A. C.
Grattan, right hon. H.
Grenfell, Pascoe
Greville, sir C.
Grosvenor, gen.
Harvey, C.
Hill, sir G.
Holford, G.
Holmes, W.
Homfray, S.
Hulse, sir C.
Huskisson, rt. hon. W.
Innes, I.
Jocelyn, lord
Kingsborough, lord
Kinnersley, W. S.
Knox. hon. T.
Lewis, F.
Littleton, E.
Long, right hon. C.
Lowther, visc.
Lowther, John H.
Lushington, S. R.
Lygon, hon. E. P.
Maberly, J.
Maconochie, A.
Mackenzie, T.
Macqueen, T. P.
Marjoribanks, sir J.
Martin, R.
Mills, C.
Montagu, lord F.
Montgomery, sir J.
Moorsom, sir R.
Morland, sir S. B.
Morritt, J. B. S.
Mountcharles, lord
Normanby, visc.
O'Brien, sir E.
Ogle, H. M.
Ommaney, F.
Osborne, sir J.
Paget, hon. E.
Paget, hon. B.
Paget, hon. C.
Palmerston, visc.
Peel, right hon. R.
Peel, W. Y.
Perceval, Spencer
Phillipps, C. M.
Percy, hon. W. H.
Perring, sir J.
Phillimore, Dr.
Phipps, hon. E.
Plunkett, rt. hon. W.
Pole, W. W.
Protheroe, Ed.
Riddell, sir J.
Robertson, A.
Robinson, rt. hon. F.
Rochfort, G.
Scott, hon. W.
Sebright, sir John
Shaw, R.
Shiffner, sir G.
Shepherd, sir S.
Smith, T. A.
Sotheron, F.
Staunton, sir G.
Stewart, Alex.
Stirling, sir W.
Tennyson, C.
Tomline, E.
Turton, Ed.
Titchfield, marq. of
Vansittart, rt. hon. N.
Vaughan, sir R.
Ure, Masterton
Walker, J.
Walker, S.
Wallace, rt. hon. T.
Ward, R.
Warrender, sir G.
Westenra, hon. H.
Whitmore, T.
Wildman, J. B.
Wilmot, R.
Wilson, T.
Wood, col.
Wrottesley, H.
Wortley, S.
Wynn, C.
Wynn, sir W.
Yorke, sir J.

TELLERS.

Courtenay, W.
Wilbraham, B.

Minority.

Abercromby, hon. J.
Allen, J. H.
Althorp, lord
Bernal, Ralph
Bennet, hon. H. G.
Birch, Jos.
Brougham, Henry
Byng, G.
Beaumont, T. W.
Burrell, sir C.
Calcraft, John
Calvert, C.

Carew, R. S.	Moore, Peter
Cavendish, lord G.	Newport, sir J.
Colclough, C.	Nugent, lord
Davies, T. H.	Osborne, lord F.
Duncannon, lord	Palmer, C. F.
Dundas, hon. L.	Parnell, W.
Dundas, Thos.	Philips, G. R.
Ellis, hon. G. W. A.	Proby, hon. capt.
Ebrington, visct.	Ricardo, D.
Ellison, C.	Rickford, W.
Fazakerley, N.	Ramsden, J. C.
Forbes, C.	Ridley, sir M. W.
Graham, R. G.	Robarts, A.
Griffiths, J. W.	Robarts, W. T.
Harvey, D. W.	Russell, lord G.
Honywood, W. P.	Russell, R. G.
Hornby, E.	Sefton, earl of
Howard, hon. W.	Smith, John
Hume, Joseph	Smith, hon. R.
Hurst, Robert	Smyth, J. H.
Hutchinson, hon. C.	Stewart, W.
Lamb, hon. W.	Thorp, alderman
Lamb, hon. G.	Tierney, right hon. G.
Lambton, J. G.	Walpole, hon. G.
Lloyd, J. M.	Waithman, alderman
Lyttelton, hon. W.	Webb, Ed.
Maule, hon. W.	Wilkins, W.
Macleod, Rodk.	Williams, W.
Mackintosh, sir J.	Wood, alderman
Maitland, J. B.	TELLERS.
Martin, J.	Douglas, hon. F. G.
Monck, sir C.	Wilson, sir R.

Mr. B. Wilbraham next moved, "That this House cannot but consider the expression, or admission of any such expectation as improper and blameable; and had an intention of acting thereon been persisted in, instead of being (as it appears to have been) speedily and unequivocally disavowed, this House would have deemed it necessary to visit such a proceeding with its severest censure."—An amendment was proposed to be made to the question, by leaving out the words "improper and blameable," in order to insert the words "highly censurable," instead thereof.—The question, That the words proposed to be left out, stand part of the question, being put, was agreed to.—Sir R. Wilson then proposed an amendment to be made to the question, by leaving out all the words from the words "blameable, and" in order to add the words, "That it appears to this House, that the said Wyndham Wyndham Quin, in endeavouring to procure for himself the political support of Thomas William Grady, did act in a manner inconsistent with the duties of his office as Custos Rotulorum, in violation of the freedom of election, and in breach of the privileges of this House;"—The question being put, was agreed to. After which, the main question was also put and agreed to.

MOTION RESPECTING MR. GOOLD.] Mr. *Lambton* then moved, "That Thomas Goold, esq. having prevaricated in the evidence given by him at the bar of this House, be for his said offence committed to the custody of the Serjeant at Arms attending this House."

Mr. *Brougham* observed, that as Mr. Goold was not a principal in this transaction, the House could not punish him without an inquiry into his conduct. He hoped his hon. friend would withdraw his motion.

Mr. *Plunkett* denied that Mr. Goold had been guilty of prevarication. He was surprised that any person could thus plant a dagger in the bosom of a respectable individual, by gratuitously proposing a measure which would only have the effect of for ever destroying his peace of mind. He trusted that the hon. gentleman when he made such a motion, was not aware of the extent of the evil which he was doing—an irreparable evil, and to a person bearing such a character as that which had been given him by the father of his country. He had felt absolutely electrified with astonishment, when this motion was brought forward, and he believed the hon. gentleman was the only member in the House who would have adopted such a course.

Mr. *Lambton* said, that, notwithstanding the tender regard which was entertained for Mr. Goold's character, the right hon. gentleman had suffered the evidence of Mr. C. Smyth to be impugned without any ceremony [Cries of No, no!]. The gentlemen said no, but he said yes. He believed on his conscience that Mr. Goold's evidence was prevaricative, and he had brought forward this motion from a sense of duty, and a desire to protect the privileges of the House.

Mr. *Stuart Wortley* denied that there had been any prevarication in Mr. Goold's evidence: he had distinctly denied the facts stated by Mr. C. Smyth, but had afterwards openly and manfully declared his conviction, that Mr. Smyth was correct. Surely the hon. gentleman did not know the meaning of the word prevaricate; for if Mr. Goold was guilty at all, he was guilty of giving false evidence, and not of giving prevarication. He agreed with the learned gentleman in thinking, or at least in hoping that there was not another member of that House who would have proposed such a motion.

Mr. *Brougham* rose to order. The hon.

gentleman surely was not aware that such language implied that the person to whom it had been used had been guilty of some offence.

Mr. *S. Wortley* had no doubt that the only motive of Mr. Lambton was a sense of duty.

Mr. *Brougham* dwelt on the impropriety of blending the merits of the question with the conduct of the witnesses, and of stamping a censure on one witness, on account of his evidence being at variance with that of another.

Mr. *Plunkett*, in explanation, said, that if in the heat of argument upon a subject on which he was most ardent, he had said any thing to give offence, it was more than he had intended. In the observations he had made, nothing was farther from his intention than the wish to give offence to the hon. member.

Mr. *Abercromby* did not approve of the manner in which the evidence of Mr. Goold was given, but thought that, if a question were started upon it, it could not be one for prevarication, but for stating that which he knew not to be true. After the evidence had been given, it should not be so much the question, whether the witness had prevaricated, as whether he had stated that which he believed to be true or not. Without, therefore, giving his opinion upon the merits of the question before the House, which he thought ought to be postponed to another opportunity, he should give his vote against the motion.

Mr. *Croker* bore testimony to the excellent character of Mr. Goold, a gentleman whom he had known for a great many years. He trusted the House would come to an immediate decision on this question, for he thought that no acquittal, however unanimous, would compensate Mr. Goold, for having this dreadful scourge hung over his head for a single day longer.

Lord *Nugent* expressed the sincere regret and pain which he felt in being obliged, after all he had heard from so many high authorities on both sides of the House, and perhaps from the highest authority in the House, in favour of the character of Mr. Goold, to be obliged, in the discharge of his duty, to vote for a motion which must necessarily cast an imputation upon a character hitherto respectable. But after having read and considered the evidence which Mr. Goold had given, he did not think that such evidence was given without premeditated and matured falsehood. If he was wrong, he hoped God would forgive him; but of this he was certain, that his own conscience could not accuse him. In the strict discharge of his duty, he felt himself bound to vote for the motion of his hon. friend.

The House divided: Ayes, 8; Noes, 134.

List of the Minority.

Bennet, hon. H. G.	Sefton, earl of
Duncannon, visc.	Webster, sir Godf.
Lamb, hon. G.	TELLERS.
Macleod, R.	Lambton, J. G.
Martin, John.	Nugent, lord
Palmer, C. F.	

HOUSE OF LORDS.

Tuesday, March 30.

ROYAL HOUSEHOLD BILL.] The Earl of Liverpool moved the order of the day for committing the bill for the regulation of his majesty's household, &c., and the House immediately went into the committee. On the motion for reading the preamble of the bill,

Earl *Grey* rose. Having already said that it was not his intention to make any opposition to the principle of the measure, it might be expected that he would reserve himself for another part of the bill; but, notwithstanding his approval of the principle, he had some general observations to offer, which appeared to him more particularly applicable to the present stage of the committee. After the misinterpretation that had taken place of what passed on a former occasion, it might however be necessary, before he proceeded farther, to guard himself against any misunderstanding of his views. Far from being disposed to leave out of consideration the just claims of individuals for past services, or to look with cold indifference on the unfortunate situation of the sovereign, he fully recognized all those claims, and he felt as strongly as any one could feel, that sympathy for suffering, and that sense of propriety and duty which ought to regulate their lordships in making a provision, not merely for an afflicted individual, but for him who had been, and, as the noble earl opposite the other day justly observed, still was the legal sovereign of a great, generous, and loyal people. Upon this principle he looked at the present measure; but there was another principle, in maintaining which he could not be considered

as acting inconsistently with the declaration of the former; namely, that he felt himself equally bound to take care that no unnecessary expense, however minute, was incurred on the part of the public. For his support in the justice of this view, he had only to look at the preamble of the bill now before their lordships. That preamble, in stating the object of the bill, not only professed to provide for the attendance suitable and requisite to the due care of his majesty's sacred person, and the maintenance of his royal dignity, but at the same time to make such reductions in the expense of the establishment as might not be found inconsistent with that principle on which the bill was founded. This, which was the principle of the bill, he also maintained, and should continue to maintain, notwithstanding the indignant observations he had a few days ago drawn upon himself; but perhaps those expressions of irritability were not so much directed towards him as they were effusions of spleen against the bill itself, the authors and professed supporters of which now found themselves compelled to make some reductions in an establishment which they had formerly declared could undergo no alteration. This much he had found himself bound to say in order to avoid further misconstruction; but before he proceeded to notice the details of the bills, to all of which, with one or perhaps rather two exceptions, he was prepared to concur, he could not help adverting to the grounds upon which the noble earl who moved the bill, had called upon their lordships to support it. The noble earl had stated, and the bill indeed declared, that "the death of her late most excellent majesty would allow some reduction in the expense of the establishment provided for his majesty." This power of reducing the expense the noble earl attributed to the situation in which her majesty stood as queen-consort. The establishment, he said, having been made with a view to that consideration, if it had not been formed according to the arrangement which subsisted until her majesty's death, she would have had an equitable claim to the enjoyment of her dower. It appeared, then, according to the noble earl's explanation, that the establishment at Windsor had been founded on the double principle of providing for the care of the king, and of supplying what her majesty was entitled to as queen-consort. When the noble earl made that statement, he heard it with great surprise a surprise in which many other noble lords doubtless participated; for it was the assumption of a perfectly new ground. This question, their lordships well knew, was not now for the first time pressed on their consideration. He and two of his noble friends had last year agitated it, and then it was vehemently resisted, not only by the noble lord opposite, but by several others. One noble lord who maintained that every man in the country from John O'Groat's house to the Land's End, would oppose the diminution of a particle of splendor from around the king, had indignantly exclaimed, "Shall I consent to strip my sovereign of the allowance made for him in his affliction?" "What," said another, "shall I, who have been protected by my sovereign in his prosperity, abandon him in his adversity?" He gave those noble lords, one of whom he now saw on the cross bench, full credit for the sincerity of the warm effusions of loyalty to which they had given utterance, and he had no doubt that they now had good grounds for their change of opinion. But if the noble earl had at that time turned round to them, and said, "the reason which you have given has nothing to do with the principle of the bill. This expense is not incurred for the king only, but for the queen; one-half being given to her majesty, as queen-consort, in lieu of her dower." Had such an answer been given, what would have been the surprise, what the feelings of the noble lords? But no such answer was given; and the establishment was all along professed to be maintained for the king, and the king only. Was it probable, then, that such had been the view of those who proposed the original bill, or of the legislature who passed it? Did the Journals of parliament, or any of the acts which had been adopted, afford any trace of such a principle? On the contrary, the act of the 52nd of the king stated in the preamble, as the ground of passing it, the necessity of making further regulations for the maintenance of his majesty's household, and to enable the queen to meet the additional expenses to which she might be exposed for that object. The sum of 100,000*l.* was then directed to be paid for the maintenance of his majesty's household, and the details in confirmation of the preamble proved that it was the intention of the legislature to apply the whole of that sum to expenses connected with his ma-

jesty's person. To remove, as it were, all possible doubt, a clause was inserted for rendering an account of the application of the money to the commissioners of the revenue; and it was provided, that if there should be any surplus, it was to go to the aid of the civil list. Had the view which the noble lord now took of the principle of the act been correct, it would have doubtless been provided, that the surplus should be given to her majesty; but no such thing was the case. Their lordships would, in fact, find that all the clauses perfectly illustrated the principle of the act. The clause which gave 10,000*l.* to her majesty for her own use, was a further proof that the other sum was exclusively designed for supporting his majesty's establishment. In the silence of the preamble, and of all the clauses, how could so extraordinary a construction be put upon the act? In addition to this, if their lordships were to refer to any of the contemporaneous expositions of the proceedings in parliament, they would find no trace of the principle which the noble earl had set up. Deficient and inaccurate as the contemporaneous publications to which he had alluded often were, it would be impossible to account for their silence, as well as the silence of all the records of parliament, if the supporters of the original bill had really had such an object in view. In the report of the House of Commons, which he must regret had not been laid before their lordships, it was recommended that the saving made on the 100,000*l.*, applied to the Windsor establishment, should go to the civil list; but not a word was said in that report of any part of the money having been granted in lieu of the queen's dower. Let their lordships next look at the reductions, by which it became practicable to strike off 50,000*l.* from the former sum of 100,000*l.*, and they would be still more convinced that no part of that sum could have been intended as a compensation to her majesty. What were the offices abolished? The vice-chamberlain of his majesty's household, four of the gentlemen and four of the grooms, of his majesty's bedchamber, and the master of the robes; did these officers form any part of the queen's establishment? There were besides, servants reduced to the amount of 5,000*l.* per annum, who were exclusively and personally attendant on the king. This new discovery made of the principle of the act which was about to be repealed, was in his opinion far from showing respect to the memory of her late majesty. It was in that point of view not a little remarkable, that the noble earl should come forward and make the death of the queen a reason for reducing a part of that expense, the whole of which that noble earl, and all those who acted with him, had hitherto constantly maintained to be absolutely necessary for the dignity and comfort of the king. He could come to no conclusion on the subject but that the ministers of the Crown, after strenuously opposing, for a considerable time, any reduction in the establishment for the king, and having at last found that they must reduce it, had, in order to avoid the appearance of inconsistency, invented this argument of the establishment being partly for the use of the queen, that they might put forward the death of her majesty as a reason for the reduction, although no reason existed now that had not all along existed, why this establishment should not have been reduced. Nothwithstanding, however, the unfounded pretence on which the present measure was proposed, he was glad to find the proposition of reduction, which, whenever it had before been made, was always stigmatised as coming from persons who were wanting in loyalty, at length fully recognized by his majesty's ministers. He was very happy that a measure which had often been called for was now about to be obtained; and that those who had formerly resisted it were no longer disposed to accuse its supporters of deserting, under circumstances of great affliction, the sovereign to whom their loyalty was due. To the principle, so often urged and at length acknowledged, he was, of course, ready to give his concurrence, so far as it was carried. He must confess that, when he first directed his attention to the subject, he did think that 50,000*l.* was too large a sum to be applied to the purposes of this bill, even for a sovereign in the unhappy situation in which his majesty was placed; but when he looked into the details of the establishment, and found that above one-third of the 50,000*l.* was necessary to keep up Windsor castle as a royal palace, he undoubtedly thought that the remaining sum was by no means too much to make an adequate provision for the establishment of the king, nor did he think that any one in the country could object to such an amount, recollecting that

the individual to be provided for was a king, and that every appendage of dignity ought to be added that was consistent with his melancholy and afflicted situation. There was one point, however with regard to the sum appropriated out of the 50,000*l.* per annum, for keeping up Windsor castle as a royal residence, that he wished to advert to. He had understood that Windsor castle, like Kew, Hampton court, and other royal residences, was kept up at the expense of the civil list, and if so, he saw no reason why the keeping up of Windsor castle should be made a charge upon the funds provided for the king's establishment. He wished upon this point to have some explanation, as if the case was as he had understood, it was, in fact, making a present to the civil list, of the 17,000*l.* per annum charged upon the fund of the king's establishment for keeping up Windsor castle, and he should wish in that case to vote only the amount (deducting the 17,000*l.*) requisite for the king's establishment, in order that the civil list might bear the charge which properly belonged to it. This was a circumstance in the bill, with respect to the propriety of which a strong doubt had arisen in his mind, though it had been pointed out to him by a noble friend only that morning; but perhaps the noble earl would explain it. The object appeared to be to make a diversion in favour of the civil-list. That objection he, however, did not at the present moment wish to press; and he now came to that part of the subject on which it was the most painful for himself to touch, but which it would be inconsistent with his duty to overlook—he meant the grant of 10,000*l.* to the duke of York. It was most painful to him to dwell upon this subject, and he could not but think that ministers had acted most unwisely and injudiciously, in thus dragging forward the duke of York to incur a considerable degree of unpopularity, in consequence of their making such a proposition at a period like the present of great public distress. And here he must say, that in the view which he had taken of the subject, no proposal of defraying this sum from any other fund would diminish his objection to the grant. This view did not arise from any participation in the opinions expressed in another place with respect to the privy purse. That fund was appropriated to the use of the king, in order to enable him to display those acts of generosity and bounty which it became a king to perform. It was therefore on public utility, and public utility only, that the existence of that fund was founded. It was true that the application of that fund during the exercise of the royal authority could not be questioned, except in instances of such manifest abuse as he was unwilling to suppose ever would occur. Still it was competent for parliament to interfere in cases wherein its own independence or the constitution might be endangered; but with that exception, he admitted that the fund ought to be completely under the control of the king. When, however, it became necessary to provide a fund for another person appointed to perform duties his majesty was not capable of fulfilling himself, and when parliament was called upon to make provision for the care of his majesty's person, was it too much to propose that what remained unappropriated of this fund should be employed in aid of such provision. That this was not proposing too much, he had the authority of the legislature for maintaining; for by the 52nd of the king it was provided, that the expense of the physicians should be defrayed out of the privy purse. The act expressly provided that they should be paid out of the surplus of that fund. Parliament had therefore assumed a control over the privy purse in as far as related to the expense of medical attendance. If this application of the fund was regarded as proper, he could conceive no mode of reasoning by which the fund could be proved inapplicable to the payment of any other charge connected with the care of his majesty's person. Though he considered this position incontrovertible, yet it did not meet his view to recommend the transfer of the proposed charge to the privy purse, or any other fund. The whole matter in dispute resolved into this question:—"Is the expense necessary or not?" The noble earl had endeavoured to justify the granting this sum to the custos of the royal person, on two grounds—1st, That a similar provision had been made by parliament for her majesty; and secondly, that the same expense must be incurred by the duke of York as had been incurred by the queen. With regard to the first proposition, in questioning the propriety of the provision made by the former act, he must again express his regret, that ministers should have thought

it necessary to compromise her majesty's name in this transaction. There were some differences in the two cases; but if they were precisely similar, that would be no inducement to him to grant to the duke of York the same allowance as had been given to the queen. The former act passed at a time of great public emergency, when their lordships' minds were deeply engaged by a variety of objects of extraordinary interest, and when, amidst the great expenditure to which the country was exposed, the granting of such a sum was less likely to be vigilantly watched. He did not recollect whether he was present when the bill passed, but he confessed that he considered himself and others guilty of great direliction of duty in not having protested against it. As an argument for the grant it had been stated, that her majesty could not conveniently reside so much at Windsor as she had formerly done, and that it was therefore reasonable that some allowance should be made to her for travelling charges. That plea was altogether insufficient to justify such a grant. With regard to the proposal of the same allowance to the duke of York, the objection was still stronger. Whatever reason might be urged for granting travelling expenses to her majesty failed with respect to his case. He must ask, what were the expenses to which his royal highness was likely to be put? Surely, in the present circumstances of the country, some grounds ought to be shown for those expenses, before such a grant was made. When his royal highness went to Windsor, did he incur any expense there? No. A table was provided for him. For the sake of the royal family, and even for the character of the government itself, he sincerely wished that this charge had never been thought of. How could such an expense be vindicated? The royal duke resided within ten miles of Windsor when at Oatlands, his country seat, and therefore the necessary journies which, as custos, he would be obliged to make to the palace could not be very expensive. Even when his royal highness lived in town, his travelling expenses to Windsor would not amount to much; and when it was considered that he held an office not usually continued in time of peace, yielding him great emoluments, and affording him provision for a considerable number of horses, he (earl Grey) did not see that there could be any hardship in expecting him to visit his royal father at certain intervals without any remuneration. Was there any other possible ground on which the grant could be justified, than that of defraying the additional expenses which the office of *custos* might occasion? Would the noble earl opposite (the earl of Liverpool) defend it on the plea that it was necessary to provide for supporting the dignity of his royal highness while acting in the capacity of custos? Something like that might be brought forward, or perhaps some new pretext would be found. The plea of dignity he was of opinion could not be urged, unless the noble earl was prepared to contend that a prince of the blood could not undertake any duty, however imperative, from family attachment, or however sacred, from filial piety, unless he received a salary for its performance. He must likewise contend that this necessary connexion of dignity and salary appeared to be peculiar to the princes of the blood; for there were other persons connected with his majesty who discharged important duties, and undertook the fulfilment of important trusts, that devolved upon them by act of parliament, without any payment whatever. In the act of the 52nd of the king it was provided, that the three commissioners of the privy purse, nominated therein (one of whom was to be a master in chancery) should perform their duty, a duty of great delicacy and importance, and probably of great labour and difficulty, without any emolument, reward, fee, or salary whatever. Could it then be seriously urged, that the dignity of his royal highness would be lowered by his discharging towards his royal father, without remuneration, those duties which the near relation in which he stood to him rendered becoming; while others, on whom a troublesome office was imposed without having the same motives for executing it, thought their dignity best consulted by a gratuitous performance of the labours which it required? Such were his objections to a part of the present measure; and such were the reasons on which he must give that provision of it to which he had adverted his decided negative. In making those objections he had performed a painful, though a necessary duty. He was sure that all who knew him would allow his reverence for the royal family, and his respect for the distinguished individual whose name was coupled with the proposed grant. No

one would more willingly or more cordially pay a tribute to the great public merits and private virtues that distinguished his royal highness; but when a measure was brought forward which interfered with his duty to the public, he must oppose it, though connected with his royal highness's name. He trusted he had expressed his objections with becoming temper and respect; and would now merely add, that when their lordships came to that clause of the bill which referred to the grant of 10,000*l.* to the duke of York as custos, he would move an amendment.

The Earl of *Liverpool* complimented the noble earl, who had just sat down on the distinct and orderly manner in which he had brought his objections forward. The noble earl had perhaps taken the most convenient opportunity of expressing his sentiments on the subject, and he (the earl of Liverpool) would therefore endeavour to follow the noble earl into all his statements and arguments, and would answer them, where they called for answer, in the same order. The noble earl had begun by stating his entire concurrence in the reductions of his majesty's household, so far as they were reductions; but had followed up that expression of his satisfaction with a charge against his majesty's ministers, for their tardiness in proposing those reductions, and for opposing them, when their necessity was formerly urged by himself (earl Grey) and his friends. Now nothing could be more unfounded than this latter accusation. He protested and declared, that he never heard till last session of parliament of any objection which the noble lords opposite made to the royal establishment at Windsor, and that he was never called upon to oppose any proposition for its reduction. From the year 1812, when that establishment was fixed by act of parliament, to the last session, the subject was never brought forward. A bill was then introduced by a right hon. friend of his in the other House which was rendered necessary by the state of her late majesty's health, and then for the first time during eight years of the continuance of the act of 1812, was any objection stated to its provisions. What right had then the noble earl, or any other noble lord, however laudable his motives in calling for reductions (and he gave him full credit for his motives), to accuse his majesty's ministers of resisting applications for retrenchment, when he had allowed various opportunities to pass without stating his objections: when he acquiesced in the grants to the princes on their marriages; when he concurred in the arrangements of the civil list, and agreed to various other measures connected with the royal family, without ever stating an objection to the Windsor establishment, or making any proposition for its reduction? He would not answer for what might have been conveyed by a parenthesis in a speech, or by hint in a separate discussion; but he would declare, that no distinct proposition was made on the subject. In the last session of parliament, it was true objections to the continuance of the Windsor establishment had been pressed; but whether the proposal of a reduction was right or wrong, whether in the state of the country it was seasonable or unseasonable, he felt that any reduction would then, in the state of her late majesty's health, have been most unbecoming and indelicate. It would be recollected, that when his noble friend brought in his bill to amend the act for the custody of his majesty's person, it was expected that her late most excellent majesty would not live many weeks or many months. Now, considering that her majesty was at the head of the establishment, that she was then believed near the point of death, that at any rate it was not thought she could survive for any length of time, he would ask was there any man so bold, was there any man so regardless of her feelings, and the delicacy due to her situation, as to have proposed a discussion of her allowances, or a reduction of the establishment which she superintended? His majesty's ministers and their lordships felt, that without indelicate precipitation on their parts, an event will soon arise which would bring the whole subject before the House. He had a right therefore to say, that last session was not the proper time for the reductions now proposed; and he contended that till last session no question on the subject had been zealously pressed, or even seriously mooted. So much for the noble earl's charge against this side of the House, for resisting repeated calls for reduction. He had now to follow the noble earl into another part of his speech, in which he accused him (the earl of Liverpool) of changing his ground in defending the establishment of his majesty's household at Windsor. The noble earl had said, that he had on the

second reading of the present bill stated a different reason for the expenses incurred under the Regency act, and in justification of the continuance of the Windsor establishment, from what had been stated in the act itself, or had ever been employed in its defence, since it passed—namely, that the establishment which it created was for the support of the queen's dignity as well as that of his majesty; and that if provision had not been made for her in that way, as queen consort, she must have put the nation to nearly as much expense by providing the dower to which she would have become entitled on the demise of his majesty. He was certainly prepared to support this position; nor did he think that he had involved himself in any inconsistency. He, on the occasion alluded to, stated two grounds for the continuance of the Windsor establishment without reduction. In the first place, a hope was entertained for some time, by the physicians, that his majesty would recover; and it was desirous that, if he did so, he might see himself surrounded with becoming splendor, and find himself attended by those faithful servants whom he had selected, and to whom he was accustomed before his unhappy malady. This hope had become fainter, after eight years of disappointment: still he was convinced that the physicians, if called to their lordships' bar, would not say that recovery was impossible. The second reason he gave for not proposing any reduction during the queen's life was, that if any had taken place, a provision nearly to the same amount must have been made for her majesty. This he could defend on the reason of the thing, and reconcile with the other plea of the king's dignity. During her majesty's life, when the situation of his majesty was considered, it was always considered in relation to the king and his family; and the establishment was formed, not for him as living separately from the queen, but for him and the queen consort, as living under the same roof and on a joint income. He would put the question, had their majesties resided in different places, had their establishments been divided, and had that of his majesty been reduced as low as possible, provision being only made for food, personal comfort, and medical attendance, could their lordships have then refused the queen, thus separated from her husband, and enjoying none of the advantages provided for his state and splendor, that dower to which she was entitled as queen dowager on the demise of her husband? Living under the same roof with the king, she did not require separate provision. But how were her expenses defrayed unless out of the fund common to both? The noble earl had spoken of reductions which might have been made at Windsor during her majesty's life. He (the earl of Liverpool) had looked into the whole scheme of the Windsor establishment while under the management of her majesty; and after the most minute scrutiny, he firmly believed that there was no establishment in the country, either public or private, conducted with so much economy. Reductions might certainly have been made so far as the king was concerned; but then, the queen would have been entitled to her dower, which would have nearly amounted to the whole of the possible reductions. The establishments could not have been touched, considered as an establishment for both their majesties, the necessity for which grew not out of the king's situation as distinct from the queen's, but from the king's as connected with her majesty. Not a farthing had been uselessly spent. The question now was, was there any inconsistency in saying, that at the death of her majesty, who shared as queen consort the provision made for the king, and who in the event of living separately, would have been entitled to her dower, the establishment provided for the king might be reduced without destroying the principle on which it was originally estimated? Was it to be said that in providing for the comfort and dignity of the king, you did too much in taking into view the claims of her majesty, who had entitled herself so highly to the gratitude of the country, who had shown it such a bright example of virtue, and had exerted her influence to promote purity of morals, and patronize every liberal institution. What was then the principle of the present reduction? It was, that expense could be saved at the queen's demise, which could not have been saved but to a very limited amount during her life, though the Windsor establishment had been reduced as low as now proposed. During the queen's life the whole was necessary; because, if it had not been given in one shape, it must have been given in another; the sum would have been expended less respectably in separate portions; but still the whole expenditure would have taken place. By taking the

subject into consideration during her majesty's life, and making the retrenchments now proposed, with due attention to her rights, 10,000*l.* a year might have been saved, since his majesty's recovery had become nearly hopeless; but for such a saving he would not have proposed any change, while the queen continued at the head of the Windsor establishment. Now, since her majesty's death, all delicacy was at an end, and the question came before the House in all its bearings. The reductions consisted, among the rest, of the saving of the salaries of certain officers, whom it was painful to dismiss, but for whom, nevertheless, he could not propose any parliamentary provision. After a minute examination, it was determined what officers should be retained about his majesty, and who should be discontinued in their service. Some of the old servants of his majesty, the lords of the bedchamber, who were selected by him—the companions of his amusements, while in possession of his faculties—begged to continue their services gratuitously, to be allowed to attend him to his last hour, impressed with the gratitude and veneration of subjects, and the attachment and esteem of old friends. To the bill which presented this reduced establishment the noble earl said he had no objections, with the exception of that part of it which related to the salary of the custos; but the noble earl begged to know why the expenses for keeping up Windsor-castle as a royal residence, which constituted so considerable a portion of the 50,000*l.* proposed, were not defrayed out of the civil list, like the expenses for keeping up the palaces of Kensington, St. James's, and Hampton-court. To this he would reply that the subject had been often before parliament, and that the present manner of procuring the money for keeping up Windsor-castle had been sanctioned by the decision to which their lordships had come on the civil list, after the accounts which were presented to the other House were laid before them. The present arrangement was then agreed to. The matter might rest here; but he would add, that as the castle of Windsor was kept up in a different manner, as a residence for the king, from that in which the other royal palaces were maintained, it seemed but proper that the expenses should not come from the part of the civil list appropriated to the Regent. Parliament had, when the whole subject was before it, along with the report of the board of works, agreed that such an expense should not be thrown on the civil list, but on the provision made for the Windsor establishment. He came now to the last part of the noble earl's observations, which adverted to that clause of the bill providing the grant of 10,000*l.* to the custos. The noble earl, in introducing that part of the subject, had stated certain doctrines about the privy purse, into which, as he did not propose that the grant should be made out of that fund, he was not bound to follow him, did he not wish, on account of the importance of the subject, to show the error into which the noble earl had fallen. The privy purse was in his (the earl of Liverpool's) opinion as much the private property of the king as their own purses were the private property of their lordships, or as the purse of any man in the kingdom was his private property. Whether the arrangements of the civil list, by which his majesty became possessed of that fund, were wise or not, he would not stop to inquire, nor did he think that any reference to its original was material to the question at issue. He took the matter to be this:—By act of parliament a certain sum of money was allowed to the king, under the name of privy purse, which was entirely at his own disposal, for the expenditure of which no person was responsible, and which was supposed to be used for personal expenses, or in any other way the king pleased. This sum, when once granted, was granted on no condition of accountability—for its use no minister was responsible. Not a hundred pounds of the other parts of the civil list could be expended without being accounted for by some public servant; but the 60,000*l.* composing the privy purse might be paid away at the moment of its receipt, like private property. That being the case, their lordships would see how the matter stood. Parliament had recognized 60,000*l.* as the private property of the king. It had done more, it had rendered the fund subject to the dispositions of his majesty's will. The noble earl had referred to two acts as supporting his argument, which sufficiently established the doctrine, that he (the earl of Liverpool) now contended for. One of those acts (that of 1812) had ordered the physicians to be paid out of the privy purse, but it rendered the residue (if there had been any doubt on the subject before) the king's private property, by directing it to be paid over to commis-

sioners for his majesty's use. Parliament had thus by a solemn act vested an interest in this fund; and to touch it now would be defrauding his majesty, and defrauding the heirs of his majesty. It was true that the king had a public character; but that public character did not affect his private property. The privy purse was as much his private property as any of their estates were the private property of their lordships, and ought no more to be violated than the property of his meanest subject. He could not allow the right of property to be extenuated in [the king, on account of his kingly dignity, nor was he aware of any instance being upon record where such an extenuation was ever contended for. But it had been argued, that as ministers had defrayed one part of his majesty's expenditure from the privy purse, they might as well do so in the present instance. In reply to that argument, he should observe that they had entailed no expense on the privy purse which his majesty had not himself previously entailed on it; they had paid the physicians out of it, because such had been the custom of his majesty; and had discharged some other incidental expenses from it, because part of its funds had on previous occasions been applied to the same purpose. He now came to the question of the grant itself, and was forced to contend, that the noble earl who had objected to it, and to whose objections he had listened with attention throughout, had taken a very unfair view of the subject. He would ask the House whether such a duty as was imposed upon the custos could be imposed upon the duke of York, or upon the queen, without entailing upon either of them many additional expenses? He did not here allude to travelling expenses, but to those expenses which every individual who held this office must incur, from the claims which naturally grew out of it. He was speaking before men who had most of them been honoured with public situations; and he would ask any of them, whether there were no other expenses incurred in such situations, than those which were to be paid by the fees and emoluments of office? Did any man imagine that her late majesty had grown rich on the sum allowed her to meet the additional expenditure which had been forced upon her as guardian of the king's person? Every body was aware of the false and malignant libels which had been propagated upon that subject during her majesty's lifetime; but it was not until the veil which concealed her from the public eye was torn asunder by death, that every body knew how paltry and contemptible the sum was of which she was possessed. And yet it was not in frivolous enjoyments, or idle gaieties that her majesty's income had been expended, but in satisfying those claims which her situation had created against her. He could speak, from a correspondence in which he had been lately engaged, of the numerous acts of benevolence which she had performed and could say with the utmost truth, that there were many, very many, who deplored her loss on account of the charity which they had received. He could inform the House, that to many individuals who had received benefits from his majesty, she, as custos personæ, had continued the same aid and assistance. Even in a situation where she could receive no pecuniary help from his majesty (for till the latter part of the reign, she often did receive such help) she had devoted so much of her own income to charitable purposes, that she had found it requisite to direct by her will, that no inconsiderable part of her personal property should be sold, in order that all her debts might be properly discharged. He therefore felt himself justified in saying, that there were great incidental expenses to be supported by the custos, though he could neither limit the extent of them, nor distinctly point out of what nature they might be. The state of his majesty's health was at present such, as only to require a temporary residence at Windsor; but it might become such as to require a continued one. To meet the expenses which such a contingency and other contingencies might create, parliament had declared that the custos ought to have 10,000*l.* a year; and the question therefore which the House had to decide was, whether, in the teeth of an unanimous resolution, that it was fair and equitable to remunerate the custos for the expenses which he might incur in the execution of his duties, they would resume the grant which they had previously voted. The noble earl had also stated this grant, as if it created a further addition to the public burthens; he was not surprised that a great deal of wilful misapprehension should have prevailed upon the subject out of doors; misapprehension of which he knew the noble earl was in-

capable; but still he was surprised to hear the question argued in a similar manner within the walls of that House. He would, however, tell the noble earl, that if the present bill were not passed, the law would grant the old sum of 100,000*l.* to the Windsor establishment, and therefore the question was not whether they should vote 50,000*l.*, but whether they should vote the whole original sum, or reduce the 100,000*l.* down to 50,000*l.* Taking the matter, however, on the ground on which the present bill placed it, a considerable saving would be effected to the country, 58,000*l.* a year had by the queen's death fallen into the civil list, and belonged in point of law to the Prince Regent, who might have applied it, if he had so chosen, either to the department of the lord chamberlain, or of the master of the horse, or of any other public officer. His royal highness, however, by the advice of those whose duty it was to advise him, had placed it at the disposal of parliament; requesting only that provision might be made for the superannuated servants of her majesty 18,000*l.* had been provided for that purpose: so that the remainder, amounting to 40,000*l.* was a complete saving to the public. That sum added to 60,000*l.* saved by the reduction at Windsor, formed a clear saving in the whole of 90,000*l.* a year. He therefore thought, that the proposed grant could not, on any fair or equitable view of it, be considered as an additional burthen to the public. He knew that the royal duke was willing to exercise the duties of his office without either fee or reward; but that willingness was, in his opinion, an additional reason why they should not let him do it.

The Marquis of *Buckingham* remarked, that the bill now under discussion purported to be for the further regulation of the royal household, and the care of the royal person; and was the first instance on record, in which a committee of parliament had decided, not upon what should be the expense of the royal household, but upon how many servants his majesty should keep, and what should be his quantum of personal attendants. As that had never been the case in any previous period of our history, he was sorry that such a precedent had been established at the present time, when his majesty was labouring under a complication of maladies, on which his duty and his inclination equally forbade him to descant. It might indeed be said that a certain number of menial servants could, in his majesty's present situation, provide him with every comfort which he could now enjoy; but even if that statement were true, would their lordships allow such a degradation to be offered to their monarch? It was not his desire to surround his majesty with the trammels of unnecessary state; but it was his desire to place him in such a condition, that if he ever recovered his reason, he might find himself in a state as little different as possible from that in which he had been accustomed to live. He should certainly give his vote that the different officers should retain their salaries, not indeed with a view to promote their convenience, but with a view to retain responsible officers around his majesty. There was not at present a single officer responsible for the care of the king's person, and that was his principal objection to the bill which he then held in his hand. He knew, indeed, that there was a council either appointed, or to be appointed; but still there was not a single clause in the bill which made it absolutely imperative on them that they should attend on the king's person. The House ought not to legislate upon probabilities only, and also upon possibilities; and should guard even against the most remote contingencies; and yet, if any person were to ill use the king's person, they would not be able to tell under the bill which he held in his hand, who ought to be responsible for allowing such misconduct. He was sorry to hear the noble earl put the alternative which he had done, that we must either take the law as it now was, or as it had been; but as that was the case, he should certainly prefer the law as it now was, inasmuch as if he could not get a person as custos personæ who was really responsible, he should wish to get one who was apparently so. If then it were proper to give a salary to a responsible officer, and if the whole country agreed that the duke of York was the person best calculated to discharge the duties of the office, why was the salary to be taken away from the royal duke? He was not much acquainted with that illustrious personage; but from what little he did know of him, he was certain that no person could accuse him of sordid motives if he accepted this grant. Indeed, in a pecuniary point of view, it was not worth one sixpence to him. He should certainly give his support to the bill.

The Earl of *Lauderdale* said, that on the present subject he could not deny that he entertained strong feelings. Towards the illustrious individual whose name was connected with the grant, he felt more than a strong personal attachment. It was in the nature of his Royal Highness, that those most intimately acquainted with him, who knew his many distinguished public and private qualities best, were most firmly attached to his person, and most interested for his feelings and his fame. But meeting this question on fair and open ground, he could not see why his Royal Highness should not receive that compensation for public service which the nature of that service required—which the dignity of the station, and the expenses incident to it, demanded. Of those expenses, he would not enter into a minute particularization of the nature or amount, but sure he was that his Royal Highness, whose generous nature was ever open to every humane appeal, would be anxious to attend to the applications of those who were in the habit of appealing to the bounty of his royal father. He therefore wished to support the grant of 10,000*l.* a year to the duke of York, not as a salary, but as a remuneration for the extraordinary expenses to which his new office would inevitably render him liable. He should wish to know what were the objections to this plan; for his own part he could see none. It was impossible to make the royal duke custos personæ without subjecting him to certain extraordinary expenses which ought certainly to be provided for. Their lordships must feel, that in the discharge of such an office many incidental expenses must arise which previously it would be impossible to specify. Taking even the travelling expenses, could the House expect, that if his Royal Highness was required, by the application of the king's physicians, to repair to Windsor, he was to make out an account of the expense in the same way as a messenger of a secretary of state. The truth was, that there were also expenses of generosity and feeling which were inseparable from the discharge of such a trust; and it was in the light of an indemnification for those, and not as a salary, the grant was proposed. He had the authority of former parliaments, who had given such a sum to the queen for the same purpose. He had the authority even of those members of the present, who in the other House were distinguished for a regard to the strictest economy, for the present grant, with the difference that they wished the charge to be defrayed out of the privy purse. Now, certainly, it was his opinion, that it would be impossible to take it from the privy purse, without violating the private property of the Crown, and establishing a precedent which would go to undermine the security of all private property. He called it the private property of the Crown, because there was a special act of parliament which made the savings of the privy purse liable to the debts of the king; and which enacted, that the king might dispose of them by will, and that, in case he should die without one, they should go as the common law would give them. Supposing, therefore, a proposal were to come from a high quarter, that their lordships should appropriate those savings to the expense of the Regency, they would not commit a greater violation of justice in agreeing to such a proposal, than they would in making the attack which was now recommended on the privy purse. But if there were no will, to whom would the savings of the privy purse descend? Why, to the Crown, subject to the superintendence of parliament, as the droits of admiralty had also done. If that were the case, what was the object of those who wished to make an inroad on the privy purse? Merely to gain by illegal methods now, that which in the course of a few years might legally come into their hands. In the other observations which he had to make, he should have the mortification of not agreeing either with the noble lords near whom he sat, nor with those whom he saw on the opposite benches. The manner in which his majesty's superannuated servants had been treated by parliament exhibited a meanness which ought never to have been witnessed. It was a sad consideration to reflect, that old and faithful servants had been thrown on the world, one after 47, another after 39 years of service, and others after a lapse of time which, though not so much protracted, was still not inconsiderable. Would any of their lordships dismiss their menials in a similar manner? Was such a dismissal even founded on principles of true economy? He thought not; and he expected that their lordships would find it to be fact the next time they had occasion to form a civil establishment for the Crown. They would find that men

would not take these situations on the same terms on which they had previously accepted them, because they had now seen that no ulterior provision was intended for them, and had discovered that the emoluments of them were not sufficient to enable them to provide for themselves. Besides the meanness of parliament taking into their grave consideration the number of scullions who were to serve in the king's kitchen, he thought that there was another reason which should have taught them not to have bestowed their attention on such a subject, and that reason, in a few words, was this, —such discussions were calculated to undermine the dignity and reverence due to the Crown. He had promised, when the discussion on the Windsor establishment came forward last year, to oppose all reductions of it at any future period. He should now redeem his pledge, and should boldly affirm, that he did not disapprove of the reductions themselves more than he did of the time in which they had been made. All the alterations in the establishment had been made in consequence of the queen's death—a circumstance which had naturally led some minds to conclude that the queen had been the only obstacle, to their having been made at a previous period. Though the infirm state of his health would not permit him to enter into further details on the subject, he was glad to observe that the luminous speech of the noble lord opposite had rendered it almost unnecessary. In the views of that noble lord on this subject he fully concurred, and should certainly give his support to the bill which was upon the table.

The Earl of *Darnley* agreed with his noble friend who had just sat down, in the opinion respecting the dismissal of the royal servants. It was, he conceived, ill advised as a measure of economy, and in other respects not calculated to produce the end which was probably intended by it. In some of the provisions of the bill before their lordships he fully concurred; but there was one to which he could not give his consent; it was to that which made a provision for remuneration to the duke of York, as the custos of the king. In adverting to the subject, he claimed for himself as great a portion of respect for that royal personage, as any of the noble lords who concurred in the propriety of the grant. He conceived that a more fit person could not have been selected for the care of his majesty's person than his royal highness. The royal duke had many claims upon the esteem and respect of their lordships. In acceding to those claims, he felt as much pleasure as any of their lordships; and he was satisfied, that in giving his opinion against the propriety of the proposed grant, he was not derogating in any degree from the honour and respect due to his royal highness, and to every branch of the royal family. On the contrary, he conceived that his majesty's ministers would have best consulted the interests of his royal highness, had they advised him to give up the claim which was now made for him on the public. At that moment of, he might say, almost unexampled financial, and he might add, commercial difficulty, he thought that his royal highness would best consult his honour and interest, by coming down to the House, and publicly withdrawing every claim to the sum proposed. It would, even in a pecuniary point of view (if such a motive could have any influence with his royal highness), be considerably to his advantage; for if, as might be the case, he should hereafter have occasion, in consequence of debt, or other pressing necessity, to come to parliament for pecuniary aid, he would have a strong claim, which could not be the case if he accepted the present sum. With respect to the objections urged against the proposition by his noble friend, he conceived not one of them had been answered, except by assertions. While he expressed himself hostile to that part of the bill which granted the 10,000*l.* a year, he should observe to their lordships, that if the country were in a state of financial and commercial prosperity, he would not oppose it; but seeing the distress which prevailed, he felt that he could not better discharge his duty to his own conscience, or better consult the true dignity of the royal family, than by voting against it.

The Marquis of *Lansdowne* had not intended to trouble their lordships upon the question then before them, particularly after the speeches of his noble friends; but he was induced to offer a few remarks in consequence of an observation made by the noble earl, respecting the time at which the suggestion of reduction in the Windsor establishment was first made. It had been said, that no mention was made of those reductions which were now spoken of, till a late period of the last session, when the measure was introduced to provide for the

care of the king's person, in case that sickness or other cause should prevent her majesty from superintending that important duty. He felt that the importance of this subject required, that there should be no misunderstanding upon it, and therefore he wished to correct a mistake respecting it, into which the noble earl had fallen. It was not at the time when the measure was introduced which provided against the consequence of her majesty's illness, that he and his noble friend first suggested the propriety of an inquiry as to what reductions might have been made in the Windsor establishment. It was at a period of the session much earlier. It was at the time when a message was sent to their lordships respecting the marriages which about that period took place in the royal family. He conceived that that was the proper occasion for making an inquiry as to what reductions might be made. It was true that no motion had been made—no bill introduced upon the subject; but it was unnecessary for him to say, that no money-bill, or other pecuniary matter, could originate in their lordships' House. That he had, however, given the suggestion at the time, he appealed to the recollection of their lordships; he appealed to the recollection of those noble lords who had treated the suggestion with indignation at the time. At the period of the first regency, the royal establishment was left with little or no alteration; that, as was then urged by Mr. Perceval, when his majesty should recover, an event which was then looked to with hope, he might find every thing in the same state in which it was at the commencement of his disorder. A period, however, soon did arrive, when the hope of his majesty's recovery was scarcely entertained; and when that circumstance did occur, he expressed his firm opinion, that it was the time to consider how far any reduction might be made—not in any matter connected with the queen; not connected with the comfort, the splendor, and the dignity of the king; no; but whether, considering that his majesty's disorder had arrived at that state, from which recovery was nearly, if not altogether hopeless, and in consequence, that the same reasons did not exist for continuing an extensive establishment, an inquiry should not be made to see what part of such expense could be spared to the country. Such was his opinion at that period. It might be right or it might be wrong; but it was given, and he now repeated it, to prevent any misconception from the observations made by the noble earl. If at that time, if at the present time, he conceived that any of the proposed reductions were such as would detract from the comfort, splendor, or dignity of the king; if they were such as would, in any one way, be derogatory from the dignity of the royal family, he should conceive himself unworthy of a seat in their lordships' House, if he suffered a bill which sanctioned them to pass, without endeavouring, by every means in his power, to arrest its progress. But he had not any such objections to the bill then before them. He conceived it was fair and equitable, and would therefore offer no objection to its principle; but he must except from this remark that part of the measure which went to make a provision for his royal highness the duke of York as custos of the king's person. On that subject he agreed with his noble friend who had just sat down. If the services of the royal duke in his high situation were to be considered, he should have no objection to grant the proposed sum, or greater, for them; but he did not think the demand ought to be made for him in his character of custos of his majesty's person, and therefore he thought that the honour and dignity of the royal duke, and that the honour and dignity of parliament would be best consulted by having the clause of the grant omitted from the bill altogether. At the same time that he gave that as his honest opinion, he thought it but justice to express his great satisfaction at the appointment of his royal highness to the high and important trust. No person could be chosen who was so fit to discharge its duties, and he had no doubt they would be discharged with perfect satisfaction to the country. There was another topic of the noble earl's speech upon which he wished to say a few words. It was that which referred to the privy purse, and which went to consider it as private property. In that he differed entirely from the noble earl. He was aware that in doing so he was also opposed to many great legal authorities; but with great deference to them, he should hold the opinion that the privy purse was not private property, at least in the sense in which it had been so described by the noble earl. It should be recollected, that this money was granted not to the person but the character of the sovereign. In no other sense was its ap-

plication ever understood. By the common law, the king of this country could not hold any property whatsoever. At the commencement of the present reign, this privy purse was part of the civil list; and how had it become separate? How did the notion originate which now seemed the ground for considering it as private property? He believed with Burke's bill, which was introduced not with the view of making that particular item private property, but in consequence of an inquiry into the whole system of the civil list. That it was not considered private property out of the control of parliament he had very high authority for stating—authority which accident had enabled him to furnish; it was that of the king himself. At the time the inquiry which preceded the bill was set on foot, his majesty wished that the privy purse should be excepted from investigation; and the reason he assigned was, that that was the only part of the civil list which he could call his own. He contended that, according to the opinion of his majesty himself, the parliament did not then consider this property was such as they could not interfere with. If then it was so considered at the period he alluded to, he wished to know how it had been made private property since? Where were the acts of parliament authorising it to be considered as such? Authorities had been talked of in support of the opinion he was combating. He would quote the highest of all authorities—the authority of parliament itself. Several acts had interfered with this; the very bill before the House was interfering with it; that very bill he would adduce as a proof that the privy purse was not considered as private property; for it allowed the duke of York to dispose of a very considerable part of it to pay for medical attendance. But if it was private property, the parliament had no right to put any part of it to a use to which the owner had not applied it. He need not remind their lordships, that the medical attendance was not charged on the privy purse before. The noble earl had said, as an argument against the grant to the duke of York being taken from the privy purse, that if his majesty had made a will and disposed of any of this property, the application of it to any other purpose would be a robbery of the person to whom it was so bequeathed. Then, according to the admission of the noble earl, the application of so large a sum for medical attendance would be a robbery also. There was no difference in the principle of either: they were alike an appropriation of his majesty's private property to purposes different from those which he himself had specified in his will, assuming that he had made one. This argument was upon the assumption which the noble earl had made, that the property was private; but he denied that assumption altogether. Parliament had not so considered it, for it could not have directed its application as long as it was private. In the regency, the parliament granted to his Royal Highness the Prince Regent a privy purse. As long as it should be continued, the parliament of course would not exercise any control in its application. But did they recognise two privy purses? They acted certainly with a most generous and laudable liberality: they continued the grant to his majesty, and directed its application to purposes to which they conceived his majesty himself would apply it had he continued in health. But this was interference which precluded the idea that the property was private like that of any individual; for if it had been so considered, they should have let it all accumulate, as in fact a part of it was at present accumulating, till the restoration of its royal owner's sense, or till such time as it could be ascertained whether he himself had given any directions as to the way in which it should be appropriated. A part of this might be charged with the king's debts, and other parts were given to defray medical attendance, which was very expensive. Under these circumstances, he conceived that the principle laid down by parliament was one which destroyed the idea of private property in the privy purse. He, therefore, differed widely from the positions laid down by the noble earl. He conceived that there was no weight in the argument that it was necessary to give a salary where there was responsibility. Salary did not, and could not, increase responsibility; for there were high, important, and responsible trusts held in the country, to which no emolument whatever was attached. He had hoped that his royal highness would have come down to the House and rejected the offer—if he had done so, he would have consulted his best interests, and have added to a reputation dear no less to the country than to himself. That not having been done, he must vote against the grant, at the same time that he was willing

to admit that no one in his majesty's dominions was fitter to be intrusted with the care of his majesty's person. It was an important trust, and would be performed by his royal highness with fidelity—he had no doubt, with all the attention, solicitude, and care, due from a son to a parent and a sovereign.

The Earl of *Lauderdale*, in explanation, denied that the application of part of the privy purse for the payment of debts, or for medical attendance, could be any just ground for the payment from it of a grant of the present description.

The *Lord Chancellor* expressed his reluctance at saying any thing upon this subject, but declared that he felt himself bound to state that he considered the privy purse was as much the private property of the king as the property of any of their lordships might be said to belong to them. By the 39th and 40th of the king, his majesty was declared capable of holding private property, and empowered to buy and sell estates, to dispose of those so purchased by deed, or to bequeath them by will. The same power was given to him with respect to any personal property he might be possessed of. If his property were held in trust, the trustees were the same in their powers, as the trustees of any private individual. The property was as liable to taxation as that of any subject. It was also declared by those acts which he had cited, that if the king should die without conveying any of his real property by deed, or disposing of it by will, then it should go as it would have gone had those acts not been passed. The same was said with respect to his personal property. He had heard a great deal about the manner in which that should be disposed of at present; but he would put it to their lordships, whether they would deprive their unfortunate sovereign in his severe affliction of that which was allowed to the humblest of his subjects—the benefit of the principle which arose from a hope of his recovery? It was because that recovery was not despaired of that the property of a lunatic was taken care of, in order that it might be forthcoming at the return of his reason. Would they, he would ask, do in the case of their sovereign what would not be allowed in the instance of any other similarly afflicted? If he were asked whether this property of the privy purse, if not conveyed away by deed, or bequeathed by will, were to revert to the successor, or still be considered as private, he should say that by the acts cited, the mark of private property would be given to it by either of the circumstances mentioned. If the grant, or the deed, or will, did not exist, the mark of private property would be wanting; and then it would revert, as all property of the Crown did before the passing of those acts. But that, he thought, could not be so well discussed during the lifetime of his majesty. By the 22nd of the king, the private and royal property of his majesty was separated. But it was contended, that this principle had been since departed from. It had been so. His majesty had always considered the allowance to his medical attendants inadequate, and out of his private property gave an additional remuneration to those who attended on his person. The continuation of bounties by parliament was a breaking in upon the principle; but every clause, and every sentence, and every word of the act, which made provision for the medical attendants out of the privy purse, testified that parliament considered it private property. But because that act continued bounties from the privy purse, was it therefore to be contended, that the privy purse was not private property, while the same act placed the surplus of the privy purse in the hands of commissioners, subject to the disposition by will of his majesty, if he should recover? It had been said, by persons for whom he entertained the sincerest respect, that private property ought to be made liable to the maintenance of the proprietor, when he happened to be visited with such a malady as now afflicted his majesty. But the principle which was applicable to other persons, was not applicable here: so much mischief would result from the prevalence of such a doctrine, that he felt it his sacred duty at least to attempt to refute it. As to the observations of the noble marquis, respecting the propriety of making a reduction of the 100,000*l.* last year they appeared to him not to bear upon the state of the question. Such a subject could never, with propriety, have been discussed upon an incidental occasion. What establishments might be necessary for maintaining the dignity of the Crown was the greatest subject which the House could discuss. With respect to the sum proposed for the duke of York, that part of the subject had not been sufficiently connected in argument with the possibility of his majesty's recovery. By

the constitution of this realm, the king was king till his death. He could never allow himself in his judicial character, to think that a person in his majesty's situation was not to recover; and he always considered what should be done in order to consult his feeling, and to render his return to the connexion with his family easy and satisfactory. His declaration might surprise some of their lordships, but he declared, that if his royal highness were to perform the office gratuitously, it would appear to him an objection to his holding it. The consideration was not how much a post horse would cost, or what was the expense of travelling from Oatlands to Windsor; but what was required for the dignity of the royal family while they remained in their present situation. The 10,000*l.* was in this view as necessary as the 50,000*l.* was for the maintenance of the king's household. His royal highness was required too to be at great expense, as succeeding in this office a person of so much bounty, and one who had so much more ample means of conferring benevolences and bounties, lest the comparison should lessen the dignity and respect which he was bound to maintain on account of the person on whom he attended.

Lord *King* reprobated the manner in which the various members of the royal family had been exposed to public odium by the present cabinet. He considered this a most odious measure, and most injurious to the royal family. Ministers felt not the odium, although they alone were in fault: the 15 cabinet ministers (an unusual number) divided the blame, and each thought little of 1-15th of it; and hence they were, on subjects like the present, the most pliable phalanx that could be conceived. But the greatest enemies to the Crown were those who on slight grounds proposed grants such as those now asked, and that had been asked of parliament last year. So far as they had not succeeded last year, it was a benefit to the royal family, since so far had respect towards it been unimpaired, The grant now asked was most odious in all its circumstances. It was an attempt to obtain money from the people under false pretences; it was unnecessary to the custos: it was in every public view unnecessary; and it was of all things most invidious to call for an unnecessary sum to any of the royal family in the present distressed state of the country.

The Marquis of *Bute* contended, that additional claims would be made upon the custos, in consequence of the deductions in this very bill. It was quite a mistake to suppose that the 10,000*l.* were conferred as a grant upon his royal highness. Such an allowance was indispensable in order to relieve the anxiety which his royal highness must feel, to behave with liberality towards the old servants of his royal father.

Earl *Grey*, in reply, contended, that however he might be disposed on private grounds to accede to such a proposition as that before their lordships, when a grant was demanded on public grounds, he was bound to inquire into the necessity of it. In looking at the expense to which his royal highness would be subjected by his new situation, he was persuaded it was so trifling, that it would not only not justify the grant in question, but would not justify any grant whatever. On that ground he had already stated his opposition to the proposed grant; and after listening with great attention to the arguments urged on the other side, he remained unconvinced by them. It had been said, that minute inquiry into the necessity of this expense was unsuited to the dignity of the Crown. He felt himself, however, bound on public grounds, and from public duty, to inquire. His opinion remained still untouched, that there were no expenses, not only to justify this sum, but to call for any grant at all; and particularly as other persons, such as the king's council, now the council of the duke of York, were at the same expense without any remuneration, and as his royal highness had peculiar facilities for performing the duties of his office. Their lordships had heard a great deal of the expense which his royal highness would be at; but really, after turning the thing every way in his mind, he could not divine in what that expense would consist. His noble friend near him had said it was impossible to state the nature of those expenses. Expenses the nature of which it was impossible to state, were not a fit subject for a parliamentary grant.—The noble president of the council had, on a former occasion, declared that he could easily imagine what those expenses were, but that he could not explain them. If their lordships chose to add to the public burthens on the imagination of a minister, which imagination he could not explain, he (earl Grey) could not help it; but as he could neither

imagine nor explain the expenses for which the grant was called for, he must persevere in his opposition to it.

The clause for granting 10,000*l.* a-year to his royal highness the duke of York was then agreed to without a division, and the bill went through the committee without any amendment.

HOUSE OF COMMONS.

Tuesday, March 30.

DELAY IN THE COURT OF CHANCERY.] Mr. *M. A. Taylor* said, he would not disguise from the House that his present motion was only a preliminary step to other measures which he meant to bring forward, some in the present, and others in a future session. The object of the present motion was to show the delay in the Court of Chancery and the appellant jurisdiction. His motion was for an account of the total amount of the effects of suitors in the Court of Chancery in 1756, and every subsequent 10th year, and in 1818. What he had in view was to show the great increase of business in the Court of Chancery, from a variety of sources, since the first of these periods. He had had the honour in 1811, to move the appointment of a committee to inquire into the delays in the Court of Chancery, and to search the Journals of the Lords with respect to the delays in the appellant jurisdiction. That inquiry was followed by the appointment of an assistant court. His object was to submit to the House whether that assistance had been effectual. His own opinion was, that it had not been effectual. In the appellant jurisdiction the appeals had diminished from 300 and upwards to 140. But there were at times in the appellant jurisdiction 26 suits waiting decision at one time. If any thing should happen, either the death of the present lord chancellor, or his removal from office in consequence of a change of administration, an enormous expense would be entailed on the number of suitors whose cases remained undetermined. In June 1811, there were in the paper of the lord chancellor 114 causes: there were besides exceptions and demurrers: the appeals were 35, and the hearings 5: the bankruptcy petitions to be heard were 203. At this moment there were 289 causes in the lord chancellor's paper, whereas before there were only 114. For hearing there were 101 causes. The object he had in view was to remove the obstacles to the determination of the causes before the chancery. For that purpose he wished to separate all the causes of bankruptcy from the great seal. The best way of remedying the evil was, he conceived, to separate the business which was superadded by statute, and which did not come within the original jurisdiction of the court, from its proper business. They all knew that lunacy cases, and those of wards had been superadded to the business of the great seal. When the great question of the law of bankrupts came before them, it was his intention to move, that it be an instruction to the committee to separate the bankruptcy business from the business of the great seal. This was the only motion which he intended to bring forward at present. The plan which had come down from the other House, and which had been adopted by this, had not relieved a single suitor of the Court of Chancery. He was sure every attention had been paid to the business of his office by the vice chancellor. The present illness of the lord chancellor might have occasioned considerable delay: but, making an allowance for this, it was certain that the relief had not been such as had been contemplated by a learned lord when the measure was brought in. He meant, on some future day, to submit a motion to the House as to the propriety of separating the chancellorship from the office of Speaker of the House of Lords. It was well known that from every court of England there were regular and substantial appeals. But for the suitors in a court of equity there was no appeal. Let any gentleman enter the House of Lords, and he would see that an appeal from chancery was simply an appeal from the chancellor to himself and two lay lords beside him. From every other court of England, Scotland, and Ireland, there was a *bonâ fide* appeal. From the jurisdiction of the lords of session in Scotland there was an appeal to the chancellor as Speaker of the House of Lords. The appeals from the chancery of Ireland were to a new person. It was the same with writs of error from that country. But the appeals from the chancellor were to the same person who ruled the House of Lords from the influence he had in it. The weight of property decided by the lord chancellor of England probably amounted to one-fifth of the whole property of the kingdom. On some future day, he should call the

attention of the House also to the vice chancellor's court. His object was to assist the judges who sat in, and the persons who had suits before, the Court of Chancery. He thought it was a great evil that any suitor should be compelled to remain 5, 6, 7, or even 10 years before his cause could be decided. The hon. gentleman then moved, "That there be laid before this House, an account of the total amount of the Effects of the Suitors in the High Court of Chancery in the year 1756, and in every subsequent tenth year since the year 1756, and in the year 1818."

The *Solicitor General* believed the hon. gentleman was mistaken, when he represented the arrears of business in the Court of Chancery to have increased. The number of appeals, indeed, had multiplied, as might have been expected to be the case, from the institution of a second inferior court. The arrear of bankrupt petitions had, however, been considerably reduced. The number of cases heard and determined by the lord-chancellor during the last three years exceeded all precedent, and was to be attributed to the practice, which was before unusual, of deciding important questions upon motion merely, instead of a formal suit. The confidence reposed by the public in the lord chancellor's learning and judgment had led to the introduction of this useful practice

The motion was then agreed to.

Lord Justice General of Scotland.] Mr. *Davies Gilbert* rose to move for leave to bring in a bill to regulate the office of lord justice general of Scotland. The duties of the office were usually performed by deputy. The reason why this office had not hitherto been abolished, was, that by different acts of parliament certain acts were appointed to be done, and certain writs to be signed by this officer. A bill had been submitted to the House last session for the abolition of this office, which went through several stages, but the subject was finally put off. By this bill the duties of the office were transferred to the lord president of the court of session, and a certain salary was given to the lord president for such additional duties. One gentleman had opposed the bill on the ground that the salary was more than ought to be given, and another on the ground that no salary at all ought to be given. He had thought it his duty, as chairman of the finance committee, to bring in the same bill, only omitting that part which gave any remuneration to the lord president. If it appeared, that a salary ought to be given it would be competent to any member to move a clause to that effect. The hon. gentleman concluded with moving for leave to bring in a bill to regulate the office of lord justice general of Scotland. —Leave given.

Scotch Poor Relief Bill.] Mr. *Kennedy*, after apologizing for bringing forward a measure connected with so important a subject as the poor laws, moved for leave to bring in a bill to regulate the relief granted to the poor in Scotland; the object of which was to prevent the progress of evils in Scotland, similar to those which had arisen in England.

Mr. *Hume* said, that thanks were due to the hon. mover for his attention to this subject. The object, he understood, was, to settle who the persons were by whom the funds raised for the relief of the poor in Scotland should be managed. —Leave given.

HOUSE OF COMMONS.

Wednesday, March 31.

Coal Duties.] Mr. *Sinclair* said, that he held in his hand a petition very numerously and respectably signed, from the town of Thurso, in Caithness, against the imposition of any fresh duty upon coals. The anxiety and alarm, which even the unauthenticated rumour that such a measure was in contemplation, had excited in every part of the kingdom, and which particularly prevailed in the manufacturing districts of Scotland, had extended to the distant county, which he had the honour to represent.—He was happy to find that his own sentiments were confirmed by those of the petitioners—and should, if necessary, give every opposition in his power to a tax so cruel and impolitic; a tax which would press so severely upon all classes of the community, but especially upon the indigent and industrious—a tax which, by increasing the price, would necessarily diminish the consumption of many important articles of manufacture and would thus prove very injurious to the commerce and revenue of the country.

Ordered to lie on the table.

BREACH OF PRIVILEGE—MINUTES OF COURT MARTIAL ON THOMAS STINTON.] Lord Althorp moved, that the Minutes of the Court Martial on Stinton, the man tried for attending a committee of the House, be printed.

Mr. *Beckett* justified the proceedings of the court-martial, and contended, that no breach of privilege had been intended or committed in point of fact; the order produced by Stinton was dated on Thursday morning, and the arrest by serjeant Hardy did not take place until Saturday afternoon.

Mr. *Tierney* thought that the court ought to have inquired, whether the presence of Stinton had been required on the morning of Saturday, before they found him guilty, although they had followed up their sentence by no punishment. He did not impute to the court-martial any intention to infringe the privileges of the House; but the subject ought to be investigated, for the sake of the precedent.

Lord *F. Bentinck* said, that if the soldier was wanted by that House, it was merely necessary for him to mention it to the serjeant, and then to go. With respect to any expressions in the sentence, he could not see how they could be construed to involve any breach of the privileges of the House. That sentence was worded as the sentences of courts-martial generally were, and went expressly to show that it was not meant to incur any such breach of privilege.

Colonel *Barry* conceived, that had the sentence of the soldier been for absenting himself without leave, it would have been fully justified. Undoubtedly the man had been guilty of a military crime in so doing, and the sentence was quite regular.

Mr. *Tierney* thought the man was perfectly justified. If he was wanted by that House, it was enough for him to say, "I am wanted, and will go."

Mr. *Brougham* rose to protest against the doctrine which had been advanced by an hon. member on the other side. The hon. member admitted, that if the soldier was refused leave, he might come notwithstanding; he did not now contend that point, but said that he was bound to ask leave. Now he (Mr. B.) meant to dispute that doctrine altogether. On the warrant of that House being issued to any person whatever to attend them, whether it was to a servant under a master, a soldier under his officer, an officer under his superior, it signified not which, except that the soldier under his officer was the most important case, when the control of the officer over the soldier was in question, it was that soldier's duty to come before the House immediately, without regarding any other order.

Mr. *Wynn* agreed with his learned friend, that any person receiving an order to that effect was bound to attend the House. He considered that the soldier was also bound, not to ask leave, but to state that he had received such an order, and must attend. He had in such a case, no leave to ask.

Mr. *Brougham* expressed his concurrence in what had fallen from his hon. friend, as to there being no necessity for a person so summoned to ask leave.

Sir *James Mackintosh* was perfectly satisfied, that there was no wish to make out the infringement which had occurred a breach of privilege. With respect to what had been said about asking leave, whatever degree of confusion that expression might have produced among hon. members, it originated on the other side of the House. It seemed in the highest degree necessary to protect the individual from the consequences of the step he had taken. As to the observations of a right hon. gentleman, that such protection would open a door to every soldier who chose to do so, to leave his quarters, nothing could be more futile. Soldiers were bound to do their duty.

The motion was agreed to.

SCOTCH DUELLING ACTS REPEAL BILL.] Mr. *Boswell* rose to call the attention of the House to a subject which he felt to be of great importance to that part of the country with which he was connected. He wished it to be understood, that he meant to throw no imputation on the laws of his country. He was confirmed in his veneration for those laws —no man could feel more. Indeed, he had never met with a Scotsman in his life, who would change the laws under which he lived, for those of any other country. But that very veneration led him to look with greater anxiety and more fear, to any thing objectionable connected with those laws. They had heard that a revision of the laws was idle and visionary and impracticable. That it was idle and visionary he would deny; for it was not idle to remove from the Statute Book,

statutes which the courts of law had pronounced to be in desuetude. As the doctrine of the power of the courts to determine what statutes were, and what were not in force, had long been held to be the law of Scotland, and had even been sanctioned by the other House of Parliament, it was not his intention to interfere with it. But he wished the statute laws of that country to be in a more determinate shape—that those statutes which were declared to be in desuetude should be repealed, and that those which were partly in force and partly not, should be put in a more determinate shape. He wished for no innovation in the law; for the removing from the Statute Book statutes which were not held to be law, was not an innovation. It had been said, that the people of Scotland were going on very well under their present laws, and would go on very well without the interference of the House—that the court of session could pronounce hereafter, as they had hitherto pronounced, what laws were and what were not in force. But, how was this done? By a pertinacious and expensive litigation between individuals; for an act could not be pronounced in desuetude till it had been decided to be so by a court. It had been said that it was impossible to determine what part of a law ought to be struck out of the Statute Book and what not, without a most laborious inquiry. He had never thought it an easy task; but he was clearly of opinion that if it was competent to the legislature, to enact new laws, it was competent to them also to correct the old. Though it had been stated that, by the law of Scotland for more than 300 years, laws by contrary custom were abrogated, he was prepared to show that this had not always been the case within the period in question. In the Harleian miscellany there was a case which was decided in 1634. This was the case of lord Balmerino, in which the lord advocate Hope, of Craigie-hall, the author of a work on Scots law, called Minor Practicks, was the prosecutor, and Nisbet, of Duleton, the author of another book on Scots law, with a quaint title, was advocate for lord Balmerino. It was then objected to by lord Balmerino, that the act on which he was tried was in desuetude, but it was argued by the lord advocate, that there was no prescription against statute law. The court repelled the objection to the statute on which lord Balmerino was tried, "in respect the act of parliament stands unrepealed." The statutes of Scotland might be divided into four classes: 1. Such as were totally inapplicable to the present state of society. 2. Statutes of which parts were in desuetude, and parts in force. 3. Statutes held to be in force, and which were of an unexceptionable nature. 4. Statutes held to be in force of an exceptionable nature. He wished to confine himself at present to moving the repeal of one statute of an exceptionable nature—a statute with respect to Duels, on which an individual had lately been tried. By this statute, a person sending or bearing a challenge to fight a duel, forfeited all his moveable property, and suffered banishment, whether the duel took place or not. He had it in view to move the repeal of two other statutes. One on the old system of monopoly, by which a butcher could not have more than one acre for grazing; the other declaring, that if two individuals who had a law-suit should happen to quarrel to the effusion of blood, the party who provoked the quarrel, *de facto*, should be considered to have lost his cause.—The hon. gentleman concluded with moving, "That leave be given to bring in a bill to repeal certain acts of the parliament of Scotland regarding Duelling."

Mr. *Mackenzie* thought some of the hon. gentleman's observations calculated to produce a wrong impression with regard to the present state of Scottish jurisprudence. The practice of regarding some statutes as fallen into desuetude, was dictated by the first principles of the law of Scotland. He was not desirous of opposing the motion, but must protest against the doctrine, that established contrary use could not outweigh an unrepealed enactment. These partial repeals operated as *ex post facto* laws, and might serve to revive other statutes which were at this moment sunk in oblivion. Whether the principle of desuetude was originally good or bad, it was now too late to inquire; it was a principle interwoven with the whole theory and practice of the law, and could not be abrogated without producing the most injurious effects.

Lord *A. Hamilton* considered the course now pursued as extremely inconvenient, with reference to the general object in contemplation. The hon. gentleman proposed to repeal one or two particular statutes and leave to any other hon.

member the task of proposing the repeal of others equally obnoxious. The effect must, in the mean time, be, to give new validity to all those which, though fallen into desuetude, had not hitherto been repealed.

Lord *Binning* said, that had the motion been of a general nature, he should have wished it to be postponed, but he felt no objection to the particular question before the House. He did not mean, however, to pledge himself to the support of the measure.

Mr. *Brougham* said, if he rightly understood the hon. gentleman, the subject of desuetude was not in question. He wished to repeal an act of parliament which was not in desuetude, but in force two years ago; he merely proposed an act to repeal another act, and the whole discussion would turn on the merits of the act proposed to be repealed. His opinion on the subject of desuetude was, that it was as much the law of Scotland that statutes fell into desuetude as it was that a man's eldest son succeeded to his landed estate.

Leave was given to bring in the bill.

CHIMNEY SWEEPERS TRADE REGULATION BILL.] Mr. *Bennet* brought up the report of the committee appointed to examine the Lords' Journals respecting any proceedings in that House upon the Chimney Sweepers Regulation bill. After which, he rose to move for leave to bring in a bill for the better regulation of the trade of chimney sweepers. After what had passed it was not his intention to propose any measure for the abolition altogether of the use of climbing boys. Whatever might be his own private opinion on the matter, the result of his former endeavours had been such, that he could not think such a proposition admissible. His object therefore, now was to regulate the trade, and to put the parties under a better charge, and in a better situation, than they had heretofore been. He was happy to inform the House, that he had had several consultations with the master chimney sweepers, and that the bill he should propose to the House had met with their entire approbation.—Leave granted.

EXCISE PROSECUTIONS — WILLIAM WEAVER.] Mr. Alderman *Waithman* observed, that in submitting his motion he wished to make one or two observations respecting the petition which on a former night he had presented, from William Weaver. He considered it his duty on all occasions to endeavour to ascertain the merits of every petition which he presented. In the present case, he had made inquiries into the statements of the petitioner, and the result was favourable. Since that he had learned that he had been engaged in smuggling transactions. But he did not think that, even if these charges were true, they constituted a reason for the persecution he had undergone. He had seen the landlord of the petitioner, and from him he had learned, that even after the goods first seized in execution were purchased by him, they were again seized as belonging to Weaver. He was, in consequence of his present imprisonment, wholly unable to meet his honest engagements with his creditors; and had actually laid his petition before the insolvency court, in order to be relieved. His main object in the present motion was to get at the whole of the system—to show, that while the party sued in the Exchequer was ruined, the resources of the country were misapplied in defraying the expenditure. He had therefore to move "That there be laid before the House an account of the expenses incurred, and the amount of penalties recovered, under the prosecution of William Weaver, by the Solicitor of the Excise."

Mr. *Lushington* said, there was one thing which the worthy alderman had yet to learn, namely, that a member of parliament should not allow his credulity to be practised on by the tales of unprincipled persons. There never was a case founded on more deceptious grounds than the present: instead of being a case of hardship, it was a case of fraud committed by a notorious offender. The present motion was founded on the petition of Weaver, in which he said that he had been prosecuted for selling a quantity of Spanish juice, and that that was his first offence. Of the truth of this allegation the House would judge, when he informed them, that this man had formerly been twice convicted by the board of excise, once for smuggling tobacco, and once for smuggling tea; that he had been three times convicted of smuggling by the Thames police, and twice by the Shadwell police; and that in the course of the last month, and since his petition was presented, smuggled tobacco had been found in his house. While under the execution

issued by the court, he had in a clandestine manner, made off with part of his property; and when the remainder was sold, he had contrived to buy it back himself. He thought that, during the whole transaction, the officers of excise had done nothing but their duty. With regard to the solicitor of excise, who had now held that office for five years, he certainly did not know any man, who, for integrity of character, and a conscientious discharge of duty, was more deserving of praise. The worthy alderman had only moved for an account of the expenses incurred in this prosecution; but he conceived that the account of these would not give an adequate idea of the transaction, and therefore he should move that there be also furnished copies of the several petitions presented by William Weaver to the lords of the Treasury, and of the proceedings upon these petitions.

The *Attorney General* said, he should not have troubled the House on the present occasion, if the worthy alderman had not stated, that the object of his motion was, to open the eyes of the House to the system of the excise laws. The petitioner said that he had never before violated the laws of excise, as they ought to be administered. What might be the petitioner's ideas of the manner in which those laws should be administered he did not know; but he was sure that a man who had been convicted six times of smuggling, and in whose house smuggled goods had been repeatedly found, was a person who ought to be prosecuted as an example to others. This man had presented a petition to the court, and as his (the attorney general's) recommendation had considerable weight, as was natural from his official situation, he had made inquiries into the particulars of the case; but when he found that the man was an habitual smuggler, or at least an illicit trader, he did not think it proper to recommend him to the lenity of the court. There was another fact of some importance: this man was a grocer in that quarter where goods were most frequently smuggled ashore, and had been convicted five times of receiving smuggled tobacco and other articles from Lascars and various descriptions of low character. Was this, then, a man entitled to indulgence? The learned gentleman then detailed the circumstances of the prosecution, in order to refute the charge of oppression. The many convictions of this man had not cured his family; for a few days before the presenting of the petition, there had been a seizure of tobacco in his House.

Mr. *D. W. Harvey* was quite sure that the worthy alderman had been himself imposed upon, although he had done all in his power to ascertain the truth. Such petitions prejudiced the general principles and prejudiced those who were really aggrieved. This man might fairly have paid 1,000*l.* instead of 200*l.* which were taken as a compromise. The several counts had been formally drawn out, charging him to the amount of 44,000*l.* The commissioners of excise, in this case, as in all other cases, had only reviewed the petition, but told not what sum would be taken in compromise. He had formerly stated and would now repeat, that the solicitor knew in the infancy, as well as in the developement of a case, what sum would be taken. He was the responsible party, and could give a negative or affirmative to a proposition for compromise, and hence arose expenses that were most injurious and grievous to the country. The solicitor came into court with two columns: the one containing the full charge, the other the mitigated sum that would be taken; and he acceded to any sum that was proposed, if it amounted to the latter sum.

The *Attorney General* denied, with great warmth, that the solicitor came into Court with two lists, and took what compromise he pleased. That gentleman, in receiving a compromise, never took into consideration the expenses of the prosecution, or what charges the crown might be put to; but he did consider the capacity of the party to pay, and if he could pay a reasonable sum without inconvenience, he would put something to it in order to create inconvenience. The object of the excise laws was to occasion inconvenience, and so to deter from offences against them. If he had known this man's offences, he would not have agreed to any compromise.

Mr. Alderman *Waithman* said, he had brought forward his motion, in the first place, in order to relieve the wretched man. Whatever might have been the number and character of his former offences, they had no right to punish him but for this offence. Another object with him was, to expose the system itself. By correcting the system, an enormous expense might be saved to the country. The excessive severity of the excise laws, like the excessive severity of the criminal laws, counteracted its object.

Sir *Isaac Coffin* was sorry that so much of the time of the House had been occupied by so unworthy a case as that of a man five times convicted.

The motion was agreed to.

HOUSE OF COMMONS.

Thursday, April 1.

Gaol Deliveries.] Mr. *Western* rose to offer some observations on a most important subject, and to move for certain returns connected with it. If more frequent Gaol Deliveries took place, the number of prisoners confined in the different prisons throughout England and Wales, would be diminished in the proportion of at least one-half. Since he had first spoken upon this subject, he had received returns of the number confined at three several successive periods in Kent, Suffolk, and Essex. The House would see, that between October and January the number had increased; whereas, between January and March it had diminished. In Kent, on the 1st of October, there were 54; on the 1st of January, 108; and on the 15th of March, 177. Now, if gaol deliveries had taken place during these periods, he must contend those numbers would have been considerably less. When the returns he was about to move for, should have been laid upon the table, he would submit some specific proposition on the subject. In looking at the returns already prepared for the years 1817 and 1818, it would appear, that the total number of persons confined in the different gaols throughout the kingdom was, in round numbers, 13,000. Of that number there were 2,000 in each year, against whom either no bills were found, or who were not prosecuted, and 2,000 who were acquitted. In the period which elapsed between July and the Lent assises, many persons had been confined who had remained in prison perhaps fourteen or fifteen months before they had been tried—an enormous evil. Whatever the difficulties were, in which such delay originated, they ought to be done away with; and some regulation should be adopted, which should render it unnecessary that they should be detained in custody for so long a period, but, if possible, be brought to trial immediately. It was during that imprisonment that their morals became corrupted. When men first came to a prison, they looked with horror on their situations; but that horror wore off, and their minds soon became corrupted. It was the prompt execution of laws which could alone produce the effects contemplated by the legislature. He should, for the present move for a "Return of the total number of prisoners that were confined in the different gaols of England and Wales for trial at the present Lent assizes; distinguishing those who were in custody prior to the 1st of October last, the 1st of January last, and the latest period antecedent to the commencement of the gaol delivery; and, as soon as the present Lent assises shall be terminated, that returns may be made to this House, of the number, names, and ages, of the prisoners, male and female, who shall have been severally tried in each county of England and Wales, specifying the dates of their several commitments, and arranging the returns in the order thereof; specifying also, the crimes with which they shall have been charged, and the verdicts and sentences that shall have been passed upon them; also, returns of those who shall have been discharged by proclamation, or by reason of no bills being found against them, with the dates of commitment in like manner, and the crimes with which they were charged upon commitment."—Ordered.

Mr. Wyndham Quin.] Mr. G. A. Ellis gave notice of his intention, on Tuesday next, to move an Address to the Prince Regent, praying him to remove from the office of custos rotulorum of the county of Limerick, the hon. Wyndham Quin. A member observed, that he believed Mr. Quin had gone to Ireland; and that so early a day would afford him no opportunity of being informed of the hon. gentleman's intentions.

Mr. *Abercromby* thought the observation of the hon. member not warranted by the practice of that House. The election of any day might be quite optional with gentlemen who had motions to submit; and it seemed, he thought, more agreeable to the hon. mover, that the business should be proceeded in now, rather than after the Easter holidays.

Mr. *Peel* said, that if unfortunately Mr. Quin had left town for Ireland, he thought it but reasonable that he should have the option of returning to this country. If it was determined to try his case again, he thought it was only fair to defer the notice for such a time at least as might afford him an opportunity of being so informed.

The motion was fixed for Tuesday.

ROYAL BURGHS—CASE OF THE BURGH OF ABERDEEN.] Lord *Archibald Hamilton* said, that before he entered on the subject of the motion which he was now about to submit to the House, he wished to apologise for the length of time which had elapsed since he had first given notice of it. Had it depended only on him, he should have wished an earlier day. The delay had not proceeded from levity, or inattention to the House, nor from any doubts or dissentions among the parties whose cause he had undertaken, nor from any distrust in the cause itself; least of all, however, had the delay arisen from any change of opinion on his part; for the longer he inquired into the subject, the more he was confirmed in his first opinions upon it; the more he revolved it in his own mind, or conferred with others upon its principle, and details, the more he was convinced that the question was one of the greatest importance to Scotland and of the greatest importance to that House. Before he proceeded to say what the question was, he wished to say what it was not. It was not connected with parliamentary reform, in any sense of the word. It was not a mere matter of local interest of the burgh of Aberdeen; but it was a matter of interest to every burgh in Scotland, and to every inhabitant of that country. It was not a speculative point, to which he was offering any speculative remedy, but it arose out of a practical evil most galling and extensive—actually felt and recently complained of. He wished also to state another point of some consequence. The subject of this motion was not unnecessarily introduced to the attention of the House, for the grievance complained of could only be remedied by the House. He meant that for the injuries and injustice, which had lately been committed in the burgh of Aberdeen, there existed no tribunal in Scotland of adequate jurisdiction, to afford prompt and effectual redress, even though the clearest and strongest case of injury and injustice should be manifest to all the world.

He would state, as shortly as possible, before he entered on the subject, a few details, in order that the House might the better understand the case.—He should first proceed to state some of the outlines of the government of a Scots burgh. A Scots burgh was administered by self-elected magistrates; these magistrates were appointed to their offices for one year; and, *de facto*, they went out of office at the end of the year; but then they appointed their successors, and they took care to nominate persons who would nominate them as successors in turn. But the system of the Scots burghs was not only the self-election of magistrates, but these self-elected magistrates and council were paramount to all authority; for whatever injury they did in their capacity of magistrates, the inhabitants were without redress. He meant for whatever was done by them in their official capacity—the dilapidation of funds entrusted to them, the contracting of debt, or otherwise. In all such cases there was no remedy. It so happened lately, in the case of the burgh of Aberdeen, that the election of magistrates having been illegal, was reduced by the court of Session. But this did not invalidate the position he had laid down, that for whatever acts were done by the magistrates, there was no redress. For an election was only reducible at some one of these self-elected magistrates, while they were unanimous and agreed in their iniquity, themselves complained of the election. The magistrates elected in the different burghs might be disqualified, yet there existed no authority for setting aside the election. In Aberdeen, the election made towards the latter end of 1817 was declared illegal and reduced. But an action could be brought by no one who was not a "constituent member" of the meeting at which the wrong was done. And it was merely from the casual circumstance (though the abuse had been so gross as it was), that two assistant counsellors, who had been called in to complete the number of persons requisite to constitute a legal meeting, and who thus became "constitutional members" of the meeting, and as such had lent themselves to the complaint,—it was owing wholly, he said, to that casual circumstance, that any action could be instituted. The magistrates and council were not only self-elected, but unaccountable and unamenable to any one so long as they continued magistrates, and were either unanimous in their proceedings, or chose to screen each other by refusing to complain. Neither the suffering burgesses nor the suffering inhabitants had any legal competency to bring an action against their magistrates for official conduct or misconduct, however gross and oppressive,

the election having been set aside by the Court of Session, by which the magistrates were displaced, though the burgh itself was not disfranchised, the usual and regular course of proceeding was, to apply to the Crown for a warrant to the parties interested, to elect new magistrates. Accordingly, four petitions were presented for this purpose to his majesty in council; a petition from the very magistrates who made the election which had been reduced by law. A petition from 30 or 40 of their adherents; and there were also a petition from the burgesses and herioters to the number of above 600, and a petition from the incorporated trades. The two former petitions, which may be regarded as the same, asked that the old magistrates might elect the new—the two latter asked, that the new magistrates might be elected by poll of the burgesses as was usual in such a case. The consequence of the application, however, was, that a warrant was issued to the old magistrates, ordaining them to elect new ones. The effect of this measure was to annul the decision of the court of session, and to render it of no effect.

He knew not who had been the secret advisers of his majesty's ministers on this occasion, but he presumed it was the learned lord (Advocate). The sum and substance of his motion was, that the House should call for the papers that were laid before the privy council on this occasion, and those that were laid before the law officers of the crown when they gave the advice that the warrant in question should be issued, that the House might be in full possession of all the circumstances of the case. In Aberdeen the House would see exemplified the gross system of the Scots burghs in an admirable manner. The administration of this burgh had been a system of fraud and injustice, such as could scarcely be described. No man could contemplate what had taken place in that burgh, and still less enter into the details of it, without being shocked to think that such a system could be allowed to continue so long. The system was, he would not say merely unfit to prevail, but it was so radically defective, that he would defy any set of men to contrive a system of abuse more complete in all its parts than that of the burghs of Scotland. This was not the first time the subject had been brought before the House. Thirty years ago the House had referred a complaint against this system to a select committee, and that committee reported, that all the evils complained of were proved to exist. Then the war broke out, which prevented any remedy from being thought of. There was, too, at that time an influence which ruled Scotland with an imperious kind of sway, an influence which set itself directly against all removal of abuses like those in question [Hear, hear!]. He wished to know in what manner honourable gentlemen could undertake to judge of the propriety of granting one warrant or other, if not on what the petitions themselves stated. Now it so happened, in the case of Aberdeen, that the magistrates themselves bore testimony to the impossibility of redressing the affairs of that burgh, except the system was changed; and they had publicly recorded that opinion, and yet his majesty's ministers had thrown the burgh into the hands of those very men who declared that the power could not be exercised by them to any good purpose. He asked gentlemen to judge of the case from the facts themselves. He was only stating the truth when he said that the system of Aberdeen dissolved from its own rottenness. It had been dissolved by no power on earth but by its own rottenness itself. This, indeed, was proved by the plain and simple fact, which occurred at the election to which he was alluding. For out of nineteen persons elected to office, only six could be induced to accept. This mischief was so palpable which the system had effected, and the particular and immediate evils were so pressing, that only six out of nineteen could find courage to continue officially their own work. And yet his majesty's ministers had thought proper to continue that system. He had not stated any thing which he could not prove. He defied any gentlemen opposite to say that he had asserted any one thing which was not fact. As one of the proofs that the burgh had dissolved in the rottenness inherent in the system, he would mention, that the burgh had declared itself bankrupt. And for what sum? For 230,000*l*. He saw the learned lord smile; but he assured him he knew of no evil within his memory; he knew no municipal evil which had given rise to more extensive discontent and to more discredit than that had done [Hear, hear!], and it was likely to give rise to still more extensive mischief. Some of the petitions before

the House stated, that the inhabitants were liable to the debts contracted by these self-elected magistrates. But what did it signify in regard to the rottenness of the burgh, whether this was the case or not? The burgesses to the number of 600 were liable for the debts, or the creditors lost the money, amounting also to 600. He hoped the learned lord would give some explanation as to who was to be the ultimate loser, whether the burgesses or the creditors? At the last election there was not less than 2,000*l.* a year of deficiency of the revenues to pay the interest of the debt. The blame of this did not attach to the men who happened then to be at the head of affairs; the thing had been going on for twenty years. He had documents, which he could read to the House, establishing these facts, but he would not read them, unless the facts were contradicted by the opposite party. Of the debt due, not less than 57,000*l.* had been borrowed to pay interest alone. It was an annual custom in the burgh to call together certain persons on behalf of the burgesses at a regular legal court, to hear the accounts stated. It was curious, that whenever any law was passed, from which there was something like a hope that the evil might be corrected, those who entertained the hope were sure to be disappointed. At that meeting, so called, by legal authority, for the express purpose of promulgating to those concerned, annually, the state of their accounts, no mention was ever made of that 230,000*l.*, nor was any portion of it ever introduced at all into the official accounts. The whole was secret. The inhabitants found themselves for twenty years deluded and deceived by those men who managed the burgh, and for whose continuance in office the learned lord was so anxious.

There was one fact which he should not now state, if he were not satisfied of its veracity. He would state to the House, that of the 230,000*l.* contracted by these self-elected magistrates, a large proportion was contracted by false and forged minutes. He should like to hear the learned lord deny this. To give this town to this system was delivering up between 30 and 40,000 inhabitants to military execution—it was giving *carte blanche* to injustice, fraud and oppression. He did aver, on authority which was not like to be contradicted, that a great part of this debt was contracted on false and forged minutes. Because they could not prevail on all the junto to enter into all these measures, sometimes a few got together for the purpose of committing these depredations on the public. And he was positive, and could produce proof of the fact, that a large part of this debt was not only clandestinely but fraudulently contracted—And be it remembered, that debt could not be contracted at all, without the *apparent* authority of a meeting of the magistrates and an *apparent* signature of names. In this case, the names, or the authority given, or both, had been used fraudulently, if not actually forged; and indeed the published, recorded declaration of the parties themselves,—the agents or the accessories to this guilt. He would now read what were the sentiments of the magistrates themselves, when they went out of office. If he had no other authority than this, he would say, that his majesty's ministers had done what was injurious to the country, and disgraceful to themselves. In 1817, when the system dissolved by its own rottenness, of the 19 persons elected, only six would accept of the office. So obnoxious had the system become, that the magistrates who went out thought proper, whether from compunction or hypocrisy he could not tell, to put on record this Proclamation:—

"Council Chamber, Aberdeen, Sept. 19, 1817.—In justice to themselves, however, they are desirous to place upon record their sentiments and opinions, in reference to some of the various topics arising out of the embarrassments of the city treasury. This has become the more necessary, from their having discovered, that, in their efforts for the restoration of public confidence, their motives have been misconstrued and perverted, and their proposals and plans received with a degree of prejudice and distrust, which they will be bold enough to say, their personal and private characters were sufficient to invalidate and disprove. Be this as it may, they are aware, that the sincerity of their intentions can be known but by few, and may be doubted by many; and, therefore, they here reiterate their decided opinion, that the present mode of election of the town council, and management of the town's affairs, are radically defective and improvident, tending to give to any individual or party, who may be so inclined, an excessive and unnatural preponderance; and to foster

and encourage a system of concealment, under which the most upright and best intentioned magistrates may not be able to acquire that thorough knowledge of the situation of the burgh, which is requisite for the due administration of its affairs. The subscribers are, therefore, of opinion, that some change ought to be effected in the manner of electing the council, and an effectual control given to the citizens over the expenditure of the town's office-bearers. (Signed) Alex. Fraser, Alex. Duncan, Alex. Brown, James Milne, Charles Hacket, William Read, Gavin Hadden, James Hadden, P. Taylor, Alex. Simpson, Geo. Thomson, Alex. Galen, D. Chalmers, Jas. Cantly, Robert Walker, H. Gordon, William Lumsden."

When these gentlemen say that it encouraged a system of concealment, they alluded to the part of the debt contracted on false and fabricated minutes, though he dared to say some of the gentlemen who signed the minute were ignorant themselves of that circumstance. Of the magistrates who did accept the office that was thrown upon them, one publicly stated the grounds on which he did so, to the following effect: he would have declined, he said, entering into office, unless in the hope that his colleagues would concur in an application to the supreme authority, to reform the burgh on a principle of mutual confidence between the magistrates and citizens. When the magistrates had gone on electing one another for twenty years, and now and then introducing a stranger, it was impossible to say who were and who were not guilty. He could only judge the case by what had been done by the official body, and by the gross and disgraceful and ruinous result. But of those men, who declared they could not take office honestly under the present system, several had been found to join in a petition to have the system continued unaltered, and had joined their authority to defeat the actions before the court of session for the reformation of the burgh there could be no difficulty in deciding that they afforded a singular instance of versatility or hypocrisy, and had acted in a manner to produce the greatest possible mischief to the burgh, and the greatest possible discredit to themselves. He begged to be understood, for the reason he had before stated (the difficulty of discriminating between the innocent and the guilty), that he did not apply his censure to all the magistrates of Aberdeen, who had been in office the last twenty years—there may have been some, innocent themselves of all wrong.—But as the whole mischief has been done by the official body—as that body is self-elected—and also unaccountable to any one but themselves, that body must be held responsible in fact, as well as in justice, for the monstrous evil which has long been produced, and which is now disclosed. The worst of all this was, that under the present system it was legal;—or at least it was so far legal, that there existed no legal remedy. He had no hesitation in saying, that with all this iniquity staring them in the face, if the magistrates were called to the bar, and chose to add audacity to their other offences, they had a right to say—"We have done all this; we have contracted the debts; we have made the declaration, and we have afterwards abjured it; and we defy you to call us to account." The court of session had decided that it had no jurisdiction, the court of Exchequer had declared that it had no jurisdiction, and therefore it was that he called on the House to interfere [Hear, hear!]. It was settled, that the magistrates could be called to account for nothing done in their office as magistrates, neither by any burgess of the town, nor by any debtor nor creditor to these monstrous and clandestine accounts, nor by any authority but themselves—the learned lord or his majesty's ministers had upheld and continued this authority and this system, and it was on this ground that the case called for the interference of the legislature.

He had now to call the attention of the House to the conduct of those persons who had advised the issuing of the warrant in question. A year before the burgh of Aberdeen had been disfranchised, the same event had happened to the burgh of Montrose; and not only was a warrant granted to the burgesses to elect their magistrates (in the Scots law phrase, a *poll* warrant), but a change was granted in the *set* or constitution of the burgh. What it was incumbent on the lord advocate to explain therefore was, why in the one case he had granted to Montrose what the inhabitants of the burgh had a right to expect, and in the other case of Aberdeen, why he had disregarded not only the claim of justice and the wishes of the inhabitants, but even the precedent which he had himself esta-

blished. The course which had been pursued in the case of Montrose, and avoided in the case of Aberdeen, was what the inhabitants of the burghs had a right to expect in policy, in discretion, and, as he thought, in law. But if the restoration of the former magistrates was warranted by law, was it to be said that the ministers were justified in saying that they would inflict an evil merely because it was not illegal? Were they not as much bound to administer the prerogative of the crown for the benefit of the subject, as to guard against direct violations of law [Hear, hear!] He could not pretend to state whether this noxious advice—which he thought not only noxious, but also illegal—had been given to the Crown by the ministers generally, or by the sole sanction of the learned lord; but this he would state confidently, that, if any person, actuated by a treacherous hostility to the lord advocate had wished to render him at once ridiculous and obnoxious in Scotland, he would have advised him to act as he had done in the case of Aberdeen, after what he had done for Montrose; he hoped, therefore, that they should hear some account of the reason of proceedings so diametrically at variance as the two precedents of the learned lord. The warrant to Montrose was a warrant to the burgesses to elect, known by the name of a *poll* warrant: that to Aberdeen was one *sui generis*, which, under such circumstances, in his opinion, the counsel were legally unable to issue. But he did not at that time ask the House to censure the ministers, but merely to compel the production of papers which would put them in a situation to judge of the nature of the case. The gentlemen opposite would no doubt say, that they had done not only so right, but so unquestionably right, that they would present no papers to the House on the subject; but he had found by experience that it was not in those cases in which their conduct was most correct, that they were most anxious to withhold information; and he was persuaded that the more the matter was examined, the more it would be shown that they had acted unjustly to Aberdeen, discreditably to themselves, and in a manner to disgust Scotland. In the case of Montrose, the government had proceeded with every formality. The warrant had been communicated through the sheriff, who took credit to himself and to the lord advocate for the measure. At that time a paper was published, which purported to be the report of the lord advocate on the case of Montrose, which had never been disclaimed, and which he should take the liberty of reading. The lord advocate might, of course, disown it, if it were not authentic. The Report contained these words:—"We are further of opinion, that it would be of public utility, for the good government of the burgh, that instead of the old councillors electing the new," the measures should be taken which the Report described. Now if in the case of Montrose, it was proper to take into account "public utility," and "the good government of the burgh," why were these considerations to be omitted in the case of Aberdeen, in which the magistrates themselves had declared that no men on earth could govern with advantage to the burgh under the present system [Hear, hear!]. If the Crown was thus to proceed on no fixed or definitive plan; if no mode of reviving lapsed magistrates were to be adhered to of certain legality and of universal application, it would be impossible to say, how far the powers of the Crown—that is of ministers, might be carried, nor where their usurpations of power might end. All the power of the burghs with relation to the election of members of parliament would necessarily be thrown into the hands of the Crown. It was always in the power of the self-constituted juntos to commit wilful errors which would terminate their own legal existence, and to renew it on any terms which the Crown might please. And if one burgh might do this, many might do it—either at their own pleasure, or at the suggestion, indirectly, of the Crown itself; the mischief too would be more apparent to this House, and more noxious in itself, when it was considered, that the Crown claimed, and in this case, had exercised the extraordinary power of nominating electors, from among private individuals, whose official existence had completely ceased; and in the case of the warrant for Aberdeen, it was in fact granted to persons who had no legal character. It might as well have been directed to any nineteen individuals in the kingdom as to the nineteen gentlemen in Aberdeen; they were not at that time actually either councillors or office-bearers, as it was nothing that they had been in office, as their official character had been long at an end. In consequence of

the disfranchisement of Aberdeen, and the delay which had taken place respecting it (but which he did not wish to censure), Aberdeen had at present no member in the House. Was this a matter of small consequence? There were no less than two other burghs in the same situation, Inverness and Edinburgh, which were for the time disfranchised. As for the right hon. member opposite (Mr. W. Dundas), who was called by courtesy member for Edinburgh, no one could say whether he legally was member for that place; and if the disfranchisement of that burgh were not reversed, the House would have a representative sitting among them elected without electors. It was due to justice to state, that there were several exceptions to the general iniquity or improvidence which characterized the administration of the Scots burghs, but they were exceptions to be attributed to individual character, and not to the system itself. There was for instance Glasgow, which was called to his mind by the sight of his hon. friend (Mr. Finlay), who had been provost of that city; and he had no doubt, that if the system of the burgh had been different, his hon. friend would have been elected in the same manner by the voice of the inhabitants, and would have felt more gratified if elected by the burgesses than by 15 self-constituted individuals. Another borough was that of Kinghorn, which had reformed itself; but he would appeal to his gallant friend (general Fergusson) whether this was not a purely voluntary act on the part of the members of the corporation. It was no part of the system itself—but a complete exception to it. The natural tendency of the system was, to foster and protect and perpetuate misrule, and therefore it was, that in his general condemnation of the burgh system, he should not exclude even Kinghorn or Glasgow, in which the evils of it were counteracted by the virtues of individuals.

There were circumstances which he ought to mention to show the state into which the renovation of the old council in Aberdeen had thrown the burgh. As soon as the magistrates entered upon their duties, two members of the corporation who enjoyed pensions out of the corporation funds as guild-brothers, and who had been applicants to the court of session for the legal disfranchisement of the burgh, were, for this past offence against self-constituted corporations, despoiled of their pensions. Thus, it would be seen, that this self-electing system was as tyrannical and oppressive to individuals, as it was injurious and insulting to the community which it pretended to regulate and to serve. No complaint would have been brought before a court of law, but by these two persons, who had only been enabled to do it by chance, by being called in to complete a legal meeting, and who became thereby constituent members so far as to satisfy the act of Geo. 2nd, affording this casual remedy. It would also be seen what harmony existed in the burgh from the following fact: The provost had called a meeting of the heritors, subsequently to which he declared that they had authorized a new assessment. When this assertion was publicly made, another meeting was called by some gentlemen who had been present at the former one, who declared publicly, and signed their names to their assertion, that at the meeting in question, the proposition of an assessment had not been agreed to, or even brought forward. Now, whether the provost of Aberdeen had been guilty of a deliberate falsehood he did not mean to discuss, but the occurrence would show the spirit which reigned in the town.

He apologized for having thus long troubled the House, but he had been induced to do so by the manner in which the question had been treated by the ministerial side of the House. He would now put it to them whether they would give their sanction to a system founded in fraud, iniquity, and insult, which he was convinced no twelve men chosen from the side of the House opposite to him would, if acting as jurymen, undertake to support. He would put it to them, not as ministers or members of parliament, but as men, whether they would wish to perpetuate that scourge to Scotland? The production of the papers which he now moved for would imply no censure on the ministers. However much he himself might think they deserved censure, the order of the House for the production of the papers, would imply no more than that the case required further investigation; and surely the documents which had guided this extraordinary decision for a crown warrant to the former and defunct magistrates to elect, instead of the usual mode of a warrant to the burgesses to elect, could not lead the House to censure ministers, if that censure was undeserved. In order,

however, to prevent the facts of the case, and the errors of the system from being overwhelmed by points of law, and obscured by law-speeches, there was one of the papers before the privy council, which would be the last he should move for, viz. the opinion of the law officers of the crown. The opinion which he had been able to form by conversation with the ablest counsel was, that the decision of the law officers was illegal. It was doubtful at least; for out of 30 cases in which the old councils had expired, in 24 poll warrants had been granted, and in six, warrants had been issued to the old councils. Out of the six in only one had a warrant been issued, after all the preliminary steps as in the present case, and in no one case in all circumstances like that of Aberdeen. Whether he should move for this paper, he should reserve to himself the power of considering, as he did not wish to narrow the case to the legal question. The three other papers were, 1. The Warrant itself. 2. The Petitions in the case. 3. The Precedents on which the proceeding was founded. The noble lord then concluded by moving an Address to the Prince Regent, for "a Copy of the Warrant of the Crown issued for the Election of Magistrates of the Burgh of Aberdeen in the year 1818." The noble lord sat down amidst loud and general cheering.

The *Lord Advocate** began by observing, that being but one of the law officers of the crown, and the one, he was conscious, the least entitled to so particular a distinction, he had perhaps been more personally alluded to by the noble lord in the course of his speech, than was altogether sanctioned by the situation in which he was himself placed, or by established and parliamentary usage. Had the noble lord proceeded in a different manner, he certainly would have been more inclined to have left the defence of the measure in question in the hands of his honourable and learned friends near him, who were, in all respects, so much better qualified than himself for conducting this or any other discussion; but singled out as he had been, by the noble lord, in a way so pointed and unusual, and having no desire whatever to shrink from that responsibility which, for reasons best known to himself, it appeared to be so particularly the object of the noble lord to attach personally to him, he availed himself of the earliest opportunity afforded him in the debate of stating that he should oppose the motion, which had just been submitted to the House, as one altogether unnecessary, inexpedient, and uncalled for. He did so the rather, because, although the noble lord had no right to allude so particularly to him, as the law adviser of the crown in the instance in question, yet he must himself feel that from its being more especially his duty to have done his utmost to become acquainted with the peculiar laws and usages of Scotland, before presuming to accept the situation in which he was placed, he ought to be more particularly anxious for the result of any advice which the law officers of the crown might be called upon to give respecting that part of the empire. Indeed, if in this or any case it should appear to the House, or to the country, that erroneous opinions, in matters connected with the law of Scotland, had been offered to the crown, he was sensible that the chief blame must rest upon himself, and not on his honourable and learned colleagues, who were inevitably liable to be misled by the confidence which he felt they had, with such kindness, uniformly reposed in him in all questions of that description. He said this much, from no desire of presuming to arrogate to himself a pretension to such confidence and reliance. On the contrary, he was most unaffectedly sensible of the superior respect which was due to any opinions which might be entertained, or advice which might be given, by his learned friends who were called upon to advise the crown in matters of law in this part of the kingdom. But to them the law of Scotland was necessarily presented as matter of fact, and, with it, as such, they could only be expected to become acquainted, as particular cases might occur for their consideration. *He* stood in a different situation. But he confidently asserted, that the responsibility attaching to any advice which might be supposed to have been given by the law officers of the crown, either here or in Scotland, with respect to that measure which had been so loudly condemned, was one from which no person who understood the subject would be inclined to shrink. For he was prepared to show, that the late warrant to the city of Aberdeen, was in every respect legal, that it had been

* From the original edition published by Manners and Miller of Edinburgh.

*

granted in the sound exercise of the discretionary power vested in the crown by the constitution; and (in opposition to the noble lord and his learned friends round him), to contend, that it was in strict conformity with the practice in similar cases, from the earliest history of the law of Scotland. Upon this he would rest his opposition to the present motion, because it was plain that if the crown had been advised to do that which was neither illegal nor contrary to the sound discretion reposed in it by the constitution, nor to the principles which had regulated the practice in former times, the House, he apprehended, would not agree to call for the production of the papers specified in the motion which had just been submitted for its adoption.

In the first place, however, it was necessary to advert to some of those points which had been dwelt on by the noble lord, in the course of the very desultory speech he had just concluded. He understood the noble lord to have stated, that one of the grounds upon which the House was called upon to interfere in the present case, was this; that, by the law of Scotland, there was no remedy competent to the members of the corporation of Aberdeen, if the warrant in question was in itself illegal. By that law, it was contended, they must rest satisfied with, and submit to the arbitrary outrage committed on their freedom by the crown, without relief, or the means of redress. Where the noble lord had discovered that to be law he could not tell; but he was certain, that it was an assertion not only in itself utterly unfounded, but which none of the noble lord's learned friends near him would pretend to maintain. For there could not be a doubt, that if that warrant was illegal, and if it unconstitutionally deprived the burgesses of Aberdeen of the right of supplying the defect which had arisen in the corporation of the burgh, every burgess of that town had a right to bring his action in the court of session, to have it reduced and set aside. That power of relief which was competent to the burgesses, entered, he apprehended, deeply into the question before the House; because it was not in the ordinary practice of parliament to discuss a question of private right which more properly belonged to the courts of law, and for which the constitution afforded the parties supposed to be aggrieved an efficient remedy. Indeed, were it otherwise, besides doing injustice to the parties interested by such prejudication, parliament might be placed in this very awkward predicament, that its declared opinions and resolutions as to the points of law involved in the discussion, might afterwards be contradicted by the decision of the courts of judicature. It perhaps, therefore, would have been enough to have submitted this view of the matter in opposition to the motion of the noble lord. But it was most desirable, not only for his learned friends and himself, but, what was of infinitely greater importance, for the public, that this question should now be fully discussed, and the true nature of the principles on which it rested, and of the objects actually in view fully understood. And he begged leave, therefore, to wave this first and obvious ground for calling on the House to reject the motion of the noble lord.

He entirely dissented also from another proposition maintained by the noble lord. The noble lord had most earnestly deprecated the idea that the present motion was connected with parliamentary reform; but the House could not fail to be satisfied from that general and sweeping condemnation which he had over and over again in the course of his speech pronounced upon the whole system of the municipal government of the Scotch burghs, that the substantial object in view was parliamentary reform, and nothing else. It had, in fact, been fairly admitted that the object contemplated was an alteration of the constitution of the burghs of Scotland, by overturning what the noble lord had designated the corrupt and humiliating mode of self-election employed for perpetuating from year to year the common-councils of the burghs. Now the House was aware that it was by those common-councils so elected that the representatives of the Scotch burghs were chosen and sent to that House; and if either the mode of election or the qualifications of the electors of those councils should be changed, it clearly and obviously resulted that a corresponding alteration must be made in the constitution of parliament.

Those disclamations of the noble lord, calculated for no other purpose than to mislead the House and the public, however, had not even the merit of originality. The same professions were made by those who agitated the reform of the Scotch burghs in the years 1788 and 1793. But parliament and the country came to be satisfied that they were utterly unfounded;

—that without entertaining the question of parliamentary reform, it was impossible to alter the constitution of the burghs of Scotland, and hence the proposed reforms were finally abandoned. He must, however, be permitted to remark, that the present reformers just inverted the course of proceeding pursued by their predecessors. The projects for altering the constitution of the Scotch burghs had formerly *preceded* the great plans that were afterwards brought forward for reforming or rather revolutionizing parliament itself. The course now pursued was different. For years the table of that House had been covered with petitions praying for annual parliaments and universal suffrage, or at least a parliamentary reform in one shape or another. The reformers, however, had become tired of that mode of proceeding, being taught (whether by the abandonment of their old supporters and friends he should not stop to inquire), that by a direct and open attack they would probably be unable to achieve their ultimate object. There had this session of parliament, been, he believed, no petitions presented praying for parliamentary reform in plain and direct terms. The petitions now prayed for a reform in the Scotch burghs, and if the prayers of those petitions were successful it was sufficiently apparent to those by whom they were presented; and he was persuaded that, with few exceptions, they were the same from whom in Scotland had issued the former petitions, that the result would be as certain to produce that object, which with less disguise, but not in less moderate terms, they had formerly required for parliament itself. He earnestly called upon the House, therefore, to resist this project in the very outset, and to treat as they deserved those petitions which, in terms, exactly corresponding to those employed by the petitioners in the years 1788 and 1793 had been day after day so ostentatiously presented, as the gentlemen ushers or fore-runners to the motion with which the noble lord had concluded his speech.

After having disclaimed all connexion with the question of parliamentary reform, the noble lord had proceeded to rehearse the grievances of the individual burgh of Aberdeen, and the wrongs which its citizens had been supposed to suffer from the misconduct of its former magistrates. But into this part of the case he should enter very shortly, as he had the satisfaction of thinking that the noble lord would be sufficiently answered in those points of his speech by the hon. gentleman behind him (Mr Forbes), whose intimate acquaintance with the affairs of that burgh enabled him so well to inform the House how utterly unfounded the statements were upon that subject made by the noble lord, and how unwarranted in point of fact the calumnies were against the respectable individuals composing the magistracy of Aberdeen, in which he had thought fit so largely to indulge. Indeed he had no opportunity himself of being acquainted minutely with those details; and it was at no time incumbent upon him to have sought for information on the subject. The late warrant had nothing to do with the previous proceedings of the magistrates in administering the revenues of the burgh; and he trusted he should satisfy the House before he sat down, that the crown would have been advised to have acted less constitutionally than it had been advised to do, if it had allowed those previous proceedings to regulate the exercise of that discretion upon which the warrant of election now in question had been issued.

Comparatively unacquainted, however, as he was, with the financial concerns of the burgh of Aberdeen, and the embarrassment to which it had been subjected, he nevertheless found himself bound in justice to state, that upon no occasion whatever had it been surmised that the magistrates had been guilty of corruption or peculation. It had been always admitted, on the contrary, that the embarrassments of that city had entirely arisen from the public-spirited measures of the magistrates, for the improvement of the town over which they presided. Unfortunately, those improvements had not, as was expected, been attended with that pecuniary benefit to the funds of the corporation which had been universally anticipated. But whether unsuccessful in their termination, or not, those improvements had been made, not merely in virtue of the reports of eminent surveyors, but under the express sanction of various meetings of the inhabitants; and it was therefore plain that, let the mode of election in the burgh have been what it might, the same projects would have been undertaken; and, from the state of the country, the same unfortunate results must have followed.

But it had been asserted by the noble

lord, that the magistrates of Aberdeen had borrowed the money which was now due, by forging and fabricating minutes. Now, though the opponents of those persons had certainly not been sparing of their charges against them, in the proceedings before the court of session—in the papers presented to the privy council—in the public prints—and in their anonymous publications, which he observed in the hands of the gentlemen opposite; yet until he heard the speech of the noble lord, he had neither seen nor heard of a charge of this kind brought against them. In this situation, there were the strongest grounds for believing that the charge was groundless and unfounded, and that the noble lord had been grossly imposed upon by those from whom he had derived his information. Indeed, this view of the matter was strongly confirmed by the very desperate state to which the funds of the burgh were by some thought to be reduced; for, whatever gentlemen might think, either as to the modes of redress competent by law to the burgesses against the warrant in question—or whatever they may think as to the liability of the burgesses for the debts contracted by the magistrates, it was impossible to doubt, that if the magistrates of Aberdeen, or any set of men whatever, had, by such gross and corrupt practices, by fraud, forgery, or wilful imposition, swindled individuals out of their money, they must have rendered themselves personally liable for the sums which they had so obtained, to the last farthing of their fortunes. Had the statement of the noble lord been correct, therefore, claims of that description must have been brought against the magistrates of Aberdeen individually; but he could venture to assert that no such claims had ever been brought forward; nor had it ever been pretended that the magistrates had, by any undue proceeding, rendered themselves liable for the payment of the debt, which affected the revenues and common good of the burgh.

It was, however, with much satisfaction he was able to state, before leaving this part of the subject, that the allegations respecting the funds of the burgh of Aberdeen, were greatly exaggerated; for it appeared from an account which had been put into his hands that morning, in behalf of the magistrates of Aberdeen, and for the accuracy of which those gentlemen were pledged, that the treasury of that burgh was rapidly getting rid of its embarrassments; and that from the great and progressive improvement in its funds, there was a clear prospect of the creditors receiving five per cent for their money, and of a sinking fund being set apart for the extinction of its debts.

The financial embarrassments of the burgh were, however, altogether foreign to the present question; and although it was necessary, from the line of discussion adopted by the noble lord, thus to have adverted to them, they could not enter into the contemplation of the House, in coming to a vote upon the motion before it. He, therefore, begged leave to call the attention of the House to the circumstances (circumstances independent of, and unconnected with, the financial situation of the burgh), which led to the proceedings before the privy council, respecting the common-council of that city, and which had given rise to the present motion.

In the first place, however, it became necessary to state, that when the common-council of a royal burgh in Scotland failed to make its annual election upon the day required by the charter, or elected persons not duly qualified to hold the situations to which they were appointed, or were guilty of any act of illegality or corruption, its proceedings might be complained of to the court of session, by summary complaint by any of the constituent members of the council; and upon judging of that complaint, the court of session might reduce and set aside the election. The result of this judgment was, to disable the corporation from continuing itself (as he believed it was termed in the law of England), and no new election could take place without a warrant from the king in council in some one form or another.

In the burgh of Aberdeen, the election made at Michaelmas 1817, having been complained of, the result was, that that election was reduced; and the corporation, although not disfranchised, as the noble lord had erroneously stated, had been deprived of its common-council, which rendered it necessary to present an application to his majesty in council, for a warrant for election. Now, from the speech of the noble lord, the House must have been led to imagine, that the judgment of the Court had been pronounced, and that the magistrates had been divested of the government of the burgh, on ac-

count of their having been convicted of some of those monstrous acts of extravagance, of lavish and corrupt profusion, of forgery and fabrication, on which the noble lord had expatiated at so great length, and with such extraordinary animation and severity. But if the House thought so, it was entirely mistaken. The magistrates and common-council of Aberdeen were convicted of no offence; but the election was avoided, on account of an error the most trivial, and the most innocent which could be made the foundation of such a judgment. By the constitution of the burgh, forty persons were appointed to assist at the election of the magistrates and council; and to provide for the absence of any one of those forty, a person possessing a qualification similar to that of the absentee, was required to be elected as proxy for him. At the election in the year 1817, one person was elected as proxy for a counsellor who was absent; the proxy enjoyed the reputation of having been a burgess (which was the qualification requisite), but he could not produce his burgess ticket, or prove that he was actually a burgess; and upon that account, and that alone, he was held to be a disqualified voter, and the election was avoided or reduced. It is true, that in the pleadings before the court of session, other grounds for reducing the election were stated, and much abuse and invective had been heaped upon the magistrates and council of the city of Aberdeen, but this was the only ground for avoiding those proceedings, stated in the judgment of the Court, which rested, therefore, not only upon none of the points of accusation now preferred by the noble lord, but upon no charge of either legal or moral delinquency. In this situation, if it was at all competent for the Crown to re-invest those persons with the power of electing their successors—a power of which they had not been deprived by the judgment of the Court, and which, by personal corruption, they had not rendered themselves legally incapable of exercising, there was no reason, either in point of justice or expediency, why it should forfeit them of that right, or that other electors should be called in to supply their place. The error they had committed was of all others the most insignificant and innocent that in such a case could have been almost imagined. The want of qualification was not only unknown to the magistrates, but to the reputed burgess himself. The proceeding, therefore, which rested upon no conviction of legal or moral delinquency of any sort, and vested as the common-council of Aberdeen was by the statute law of the land, with the right of electing their successors; it afforded no ground whatever for depriving them of their franchise. This general view of the matter was altogether independent of the question of law, and the state of the practice, points he would afterwards consider; but it might not be improper to observe, in passing, that the noble lord was singularly unfortunate in stating, that the warrant in question was, even in the terms in which it was granted, without a precedent, and that the old magistrates and council had, in no former instance, been re-invested in a similar manner, with the rights of election. For it happened that in this very burgh, in the year 1746, when the election had been prevented, by an incursion of the rebels, from being made on the day appointed by the charter, and when of course no new election could be made, without a warrant from the Crown, a warrant not only in principle, but in terms the same as that now in question, had been issued under the Royal Sign Manual.

And here he would take leave to advert to the question put to him by the noble lord; why a poll election was given to the burgesses of Montrose, in the year 1817, and a poll refused to those of Aberdeen, in the year 1818? The answer (assuming at present, what he should afterwards prove, that the right of varying the warrant was vested in the Crown) was that in the case of Montrose, the election made at Michaelmas 1817, was not set aside on account of an error, neither wilful nor illegal. It was reduced on account of an act of gross illegality, on the part of the magistrates and council, in which all the parties interested were wilfully engaged. Instead of voting for their magistrates openly as required by the constitution of the burgh, and the law of the land; they had resorted to the mode of electing them by ballot: a proceeding not only unprecedented, but palpably illegal; a mode of voting so clearly, and inevitably leading to abuse, that when resorted to by the parliament of Scotland itself, it had even in the very worst times of Charles 2nd, called down upon them, the animadversion of that profligate and tyrannical monarch. If

there was a legal discretion in the Crown, therefore, of excluding from its warrant of election persons guilty of acts of illegality or corruption, or, in particular cases, of extending it to others, it was impossible to doubt, that the exercise of that discretion was eminently called for in the case of Montrose, while in the case of Aberdeen, it would have been highly unjust and oppressive. In the one, the illegality of the proceeding was glaring, and manifest, and wilful; in the other, the error while it was committed through ignorance, was the most innocent and trivial that could well be imagined. In the one, blame could hardly be said to attach to the parties by whom it was committed; while the situation of the others was distinctly the reverse. Upon a general view of the question, therefore, as put by the noble lord, he felt no difficulty in contending, that there was none of that inconsistency, and nothing of that fickleness of opinion manifested in the two warrants, in question, which the noble lord had argued to exist, and of which he had so loudly proclaimed him to be the responsible adviser.

But the true merits of the present question, depended upon the legal and constitutional principles, by which cases of a similar description ought to be regulated; and to these he now begged leave to direct the attention of the House.

[Lord Archibald Hamilton, here said, across the table, that he had deferred going into the question of law.]

The Lord Advocate resumed. He was quite aware that while the noble lord had in terms condemned the warrant granted to the common-council of Aberdeen as having been granted contrary to the sound discretion to be observed on the part of the Crown in the exercise of this branch of its prerogative, and had only stated his own private opinion, as to its being directly contrary to law; he had in words declared his wish to wave that part of the question; but while for the purposes of debate, he pretended to wave the discussion of the point of law, he had thought fit to assume all that part of the case as proved. He was in the judgment of the House, whether the illegality of the warrant was not taken for granted, throughout the whole course of the speech of the noble lord. In fact, it must have been so taken, otherwise the present motion could not be entertained, for if the warrant was not illegal, why address the Crown to produce the papers before the Privy Council? But even the question whether the exercise of the discretionary power in the Crown had been dictated by a sound principle of discretion, must materially, if not altogether depend upon the fair understanding of the question of law. For the noble lord, therefore, to postpone the discussion of the point of law, was, in effect, calling upon the House to decide the present question in the dark, and to condemn a measure to which every term of obloquy and reproach had been assigned, without hearing the grounds upon which it had been advised.

But, moreover, it was only to the legal part of the question that he himself was called upon to speak, and on account of which the noble lord was at all entitled to single out either himself or his hon. and learned friends in the way that he had thought fit to do. It was only as the law officers, and bound in duty as such, when called upon to advise the Crown in matters of law, that they or he could be connected with the present question; and he begged leave to put it to the House, whether, because it might suit the noble lord to endeavour to obtain a vote upon the general, unconnected, and desultory view of the question presented by his lordship, it was fair or candid, personally arraigned, aa he had been to assume the illegality of the matter in dispute as a fact, and by desiring him to postpone the argument whether it was really so or not, to shut him out from entering upon his defence, and establishing, as he felt confident that he could, that the attack made against him by the noble lord was utterly groundless?

It had been stated then, as the foundation of the whole argument for condemning the warrant which had been granted to the common council of Aberdeen, that, previous to a certain statute passed in the year 1469, by the Scottish parliament, the right of electing the magistrates and common-councils of the burghs resided in the burgesses at large; and that, though that right was then taken away and conferred on the old councils, yet, when the annual elections made by them were set aside, the right of the burgesses revived, and that they were entitled, *de jure*, to demand a poll warrant from the Crown. [Lord Archibald Hamilton observed, that he had not mentioned the act 1469 in the course of his speech.]

The Lord Advocate resumed. It was true, the noble lord, perhaps, might not have mentioned this statute, or its date, by name, but indirectly and necessarily the statute made the foundation of the whole of his argument; because, unless there was such inherent right in the burgesses, what pretence was there for saying that the warrant in question was illegal, by not having been granted to them, but to the old council? But, indeed, in point of fact, the noble lord had referred to the statements of the petitions upon the table, as the foundation of his argument, or rather opinion upon the law; and in every one of those productions, it was distinctly set forth, that when an election of a common council was avoided, the original right inherent in the burgesses, before the passing of that statute was thereby revived. He could not think it, therefore, altogether worthy of the candour of the noble lord thus to distinguish between the directly maintaining the original rights of the burgesses, as they were supposed to have existed before the statute 1469, and the indirectly contending in their behalf by a general reference to the petitions upon the table (in every one of which those antecedent and pretended rights formed the essential ground-work), for the purpose of attempting to preclude him from defending himself against what he deemed an unwarranted and unjustifiable attack.

Come from what quarter it might, however, he had no hesitation in asserting, that the claim for such inherent and original right in the burgesses at large was altogether unfounded; that it originated in misapprehension or ignorance, or in the practice of wilful delusion. No doubt it was true that the doctrine had found its supporters in certain gentlemen of eminence at the Scotch bar; men, of whose acquirements as lawyers the noble lord could not wish to speak in higher terms than he would at all times himself be ready to do, although he could not admit of their being authorities either impartial or conclusive. The names of none of those gentlemen were unknown to the House; they had been brought forward last year, by a learned gentleman opposite, in more ways than one, when another question of Scots law was debated; and it certainly did appear somewhat strange, he believed he might venture to say, unprecedented, that the authority of persons at any bar, be their situations what they might, should thus be attempted to be imposed on either House of parliament, in discussions of this description. The opinions now referred to were to be found in a paper, entitled, "A Memorial to the Lords of the Privy Council, in behalf of the Burgesses of Inverness;" but which its very title proved, never could have been intended for that tribunal, by its learned authors. Accordingly, while to the lords of the privy council no such memorial, he believed, had been delivered, a number of copies of that printed paper to suit the purposes of the debate, had been transmitted to the noble lord opposite.* The agent of those parties was anxious, in behalf of his clients, that it should be known, that this proceeding took place without the consent of the burgesses of Inverness, who disclaimed all knowledge of the transaction.

Whether the memorial, however, was intended for the illumination of that House, or for the information of the lords of the privy council, he should take it for granted that it contained the whole argument in favour of the original and inherent right of the burgesses, and against the legality of the warrant conceded to the old council of the burgh of Aberdeen. He deemed this acknowledgment due to the persons who subscribed it, and he believed it to be the fact. He would therefore endeavour to encounter that statement; and when he did so, he was most fully sensible how much he must rely upon the indulgence of the House, in calling its attention to a part of the subject, of so little interest, not only in itself, but which must be more particularly so to gentlemen belonging to this part of the island, who must necessarily be even in some measure, unacquainted with the technical and ordinary terms with which persons in Scotland were familiar. The inquiry, however, was forced upon him by the course which had been adopted, of bringing before parliament a matter which more properly belonged to courts of justice, and so little calculated to form in that House the subject of debate; but he should endea-

* No memorial can be received by the lords of the privy council. Their lordships only consider petitions addressed to the king, and remitted by his majesty for their consideration.

vour to compress the observations he had to make in as short a compass as the nature of the subject would admit of.

The House then would observe, that the whole plea maintained in behalf of the supposed right of the burgesses, rested upon the proposition, that in them resided, before the passing of the statute of James 3rd, the right of annually electing both the magistrates and the common councils in each of the royal burghs. In support of that line of argument, an appeal had been made to the *Leges Burgorum*, to the *Statuta Gildæ*, to the report of the House of Commons, in the year 1793, and to certain extracts from the records of this very burgh of Aberdeen itself. Nothing could be collected respecting the form of the constitution of the burghs, from an examination of any of their charters; for this good reason, that in none of those which were of so ancient a date as the statute 1469, was any mode of election pointed out, and which, as it certainly did away, if such ever existed all right which previously might have belonged to the burgesses at large, of interfering with elections, the Crown in the face of that statute could not in any subsequent charters have legally restored. At all events, such charters could prove nothing as to the nature of the antecedent practice.

It however was said, that from the authorities referred to, it appeared that the common councils were elected by the burgesses at large, because some of them stated, than the *præpositi* or baillies, and *major* or provost, were anciently elected as in oneof them it was expressed, "cum consensu et assensu totius communitatis dicti burgi;" while in another, it was mentioned, that they were appointed to be chosen "de consilio communi proborum hominum villæ,"* or as they were sometimes termed, the "sufficientes et discreti viri." From these and such notices, it was contended then, that these ancient authorities proved that the right of electing the common councils was anciently vested in the burgesses at large; the Latin terms quoted, importing the whole community of the town.

Here, however, he was directly at issue with the learned advisers of the burgesses of Inverness, as to the true meaning of the Latin terms on which their argument entirely rested. He denied that the terms in question, did import that meaning which was attributed to them. The "communitas civitatum, vel burgorum," or the *probi*, the *discreti*, or *sufficientes viri*, did not signify the whole body of the burgesses, or the freemen of the town. On the contrary, these terms, in the established and recognised translation of them, imported the governing part of the community, as distinguished from the citizens or burgesses at large. In short, when it was stated in any of those ancient authorities, that the magistrates were elected cum consensu totius communitatis, nothing more, he contended, was meant, than that the election was made by those persons who by the presumed assent or will of the community, had the special power of electing.

The distinction, just stated, was sufficiently established to prevent the necessity of going through a more extensive range of authorities. In the well known case of the city of London, noticed by Brady (p. 42), adjudged in the year 1650, it was admitted upon both sides of the argument, that "the community or commonalty, expressed by the Latin word *communitates*, did consist of a select number of the more discreet, able, wise, and rich citizens, and was not the body of the freemen in general." Now if this was the import of the term, it put an end to any argument in favour of the right of the burgesses at large, founded upon the authorities which he had just quoted, which referred exclusively to that more select branch of the corporation, and not to the burgesses at large, whose pretended rights, therefore, those very authorities themselves necessarily and virtually excluded.

But it might be contended, that the authority on which reliance was placed for the meaning of the terms in question was an English authority, and not an authority in the law of Scotland; and that no doubt was true. But (besides that there was every reason for believing that the origin of the English and the Scotch burghs was similar, and therefore, that where in the one, a point was clear, while in the other it was doubtful, that doubt might reasonably be explained by referring to the authority of the neighbouring kingdom), it would hardly be pretended that in a question of interpretation of a Latin term, the authority of the law of England, in a case of this des-

* Leges Burgorum, c. 77.

cription in Scotland, where Scotland ha nothing to contradict it, was not to be fairly referred to as conclusive.

Unless, therefore, it could be shown, which it could not be, that in the law of Scotland the term *communitas villæ* imported the burgesses at large, it must be held that the authorities referred to (in which no other term was employed that could be construed as having that meaning), put an end to the whole argument contained in the petitions, and in that memorial to which he had before referred. Indeed, in that last paper the authority quoted from the *Leges Burgorum* (c. 77), seemed to have been strangely misapprehended; for instead of recognising this right of the burgesses at large, as possessing the powers contended for, it clearly recognised the distinction which he had now enforced betwixt the *concilium commune proborum hominum villæ* and the burgesses at large. To the latter, or the *communitas villæ*, was alone intrusted, in so far as that authority went, the power of electing most inferior officers, the *precones burgi*. The authority stated nothing whatever of the persons by whom the *præpositi* were to be elected. It only stated the persons out of whom they were to be chosen, viz. the *concilium proborum hominum*.

But supposing it were granted that the Latin terms in question imported something different from what it was clear they did import, the authorities relied on would still have fallen short of supporting the argument in favour of the burgesses to elect annually the common-council of the burghs; for not one of them said any thing of the elections of that body, or by whom they were made. They referred exclusively to the elections of the provosts and the *præpositi*, or baillies; and it was quite possible that the choice of the baillies might have been lodged in the *Fratres Gildæ*, who alone he believed were then known by the name of the burgesses, without their being also vested with the right of electing the common-council.

How then, it might be asked, were the common-council chosen? To this he would answer, that there was every reason for believing the members of the common-council previous to the statute 1469 held their offices for life; and that reasoning by the analogy of the corresponding corporations in England, which it was stated before had a similar origin with the corporations in Scotland, as well as from the provisions of the statute 1469, that the right of supplying vacancies occasioned either by death or removal on account of misconduct, was vested by law in the remaining members of the common-council. That the common-councilmen held their offices for life, was proved by a comparison of the names during a great course of years in the only ancient records of a royal burgh existing—those of the burgh of Aberdeen, where the same individuals appeared during the whole time as common-councilmen without interruption. This, in the absence of all proof to the contrary, afforded a fair ground for presuming that they had not been liable to be annually removed from their offices, as popular favour (to which, of course, they must have been exposed, if the right of election resided in the burgesses), was no more stationary then than it was now.

But in order to put this matter beyond a doubt, he begged leave to refer to an act of the council of Aberdeen to be found in the records of that burgh so early as the year 1591; in which it was stated, "that it was the ancient custom of the burgh, to continue the council to the day of their death, unless tried, and found guilty of some crime, which was the cause of the great flourishing of the said burgh, and the avoiding the inconvenience of yearly change; but that the present age had produced restless and unquiet spirits, seeking change and alterations, quarrelling the council that had stood for fifty years by past, &c." And the accuracy of this statement, in the record, is confirmed by the fact, that the very year preceding its date, actions had been raised in the court of session, for avoiding all the elections in that burgh (which it appeared had been only made upon vacancies occurring, and that, by the common-councilmen themselves), during thirty years.*

But the perpetuity of the common-councilmen of the royal burghs was confirmed, by the statute 1469, itself enacting "that na officiares, nor councel, be continued after the kingis lawes of burrowes further than ane zeir;" a provision which in itself seemed clearly and necessarily to import, that previously to the

* These actions were terminated by a reference to the king and others, as arbitrators, which resulted in the elections being appointed to be made in future, in strict conformity with the provisions of the act, 1469, c. 29.

passing of that statute, the councils had been continued for longer than a year. That the common-councilmen, therefore, held their offices for life, appeared to result from a fair interpretation of the authorities referred to. And while there was not one which could be rested on for supporting the proposition, that even vacancies were supplied by an election of the burgesses at large, and every thing led to the inference that it had resided exclusively in the remaining members of the common-council.

The statute in question had been repeatedly stated by the noble lord, and was uniformly represented by the petitions on the table, as a restrictive statute, which had deprived the burgesses of their rights of election. But enough had been already said, to establish that if no such rights, at least of annual election, had ever existed, the statute could not possibly have been of that nature which it had been thus represented to be. If, however, the different provisions of the statute itself were considered, the House would be satisfied that it was of a totally different description. In the first place, it introduced annual election, where annual election had not before existed. In the next place, it excluded the aristocracy of the country from holding any of the municipal offices within the burgh; and, above all, it empowered the different crafts, or livery companies, to choose deacons, who should vote in the election of the office-bearers of the burgh, a right which those classes never had before been entitled to exercise; and which, in fact, it appeared from the ancient records of the burgh of Aberdeen, before referred to, they did not in that burgh come to enjoy till more than one hundred years afterwards. Indeed, before that time, the members of the livery companies seem to have held a very subordinate rank in the community of a royal burgh; nor was that surprising, as their privileges extended only to exercising their craft within its precincts. They were, in fact, only members of burgh incorporations, deriving their charters generally from the common-councils of the towns. Accordingly, as craftsmen, they had no right of carrying on merchandise; and even if a craftsman should become a *frater gildæ*, or king's freeman, he could not carry on trade until he renounced his craft.* This remark was the more necessary, that by far the greater part of the petitions on the table came from the craftsmen of the burghs, complaining of the statute 1469, as having deprived them and their predecessors of the right of electing their municipal governors; while it was by virtue of that statute alone that authority was first given for introducing them into a participation in the election of the common-councils of the burghs in Scotland. Moreover, it appears from an act of the convention of burghs, passed in 1552, that it was not till then, in point of practice, that the introduction of the craftsmen into the common-councils of the royal burghs actually took place.

Viewing the statute in this light, he apprehended it was natural to infer, that when the statute 1469 introduced annual elections into the common councils, and directed those elections to be made, by the old council choosing the new, it followed the mode already established of supplying vacancies in the common council. In short, that it just required of the common councils to make those elections annually, which formerly they had only occasion to do when one of their number was removed, either in consequence of death or misbehaviour.

But he understood it to be urged, that this argument was altogether subverted by the introductory words of the statute 1469 itself, which stated, "That, because of great contention zeirly for the chusing of the samin, throw multitude and clamour of commounes, simple persones, it is thought expedient that na officiares, nor councel be continued after the kingis lawes of burrowes further then ane zeir;" from whence it was contended, that the "commounes, simple persones," were the burgesses at large, who had a right of election of "officiares," such as aldermen, &c. But, in the first place, supposing that to be the true meaning of the terms, it would be observed, that it applied only to the choosing of the *officiares*, in the elections of which the contentions were said to have taken place, and not of the common councilmen, who, in this statute, as well as in every other authority, were distinguished from each other. In the second place, the statute did not state, that those *commounes, simple persones* had any right of voting in the elections, even of the *officiares*, which it necessarily would have done, had such been the qualification possessed by them. In point of fact, however, the *commounes, simple persones*, there

* Vide stat. 1466, c. 11, and c. 12.

referred to, could not be the burgesses. If the burgesses had been meant, they would have been called so, even if they had been of a less important class of the community than they were. But the burgesses formed the third estate of the realm; they stood immediately next to the lesser barons; and for the legislature to have represented them by the contumelious epithet of commons, simple persons, was altogether incredible and absurd. The commons, simple persons, referred to, could be no other than the rabble; and for the truth of this proposition, the strongest confirmation was to be found in a charter nearly contemporaneous, which was granted by Henry 6th of England to the city of London, which seems to have been granted for the very purpose of remedying an evil, of a very similar nature to that which the act 1469 was intended to correct in Scotland. In this charter, the king sets forth, "That his progenitors had, by their charters, granted to our citizens of London *(civibus nostris civitatis prædictæ)* liberty to choose a mayor and aldermen among themselves; and that, although such elections were always made in former times by the mayor, aldermen, and more discreet persons of the city *(discretiores dictæ civitatis)*, specially summoned for that purpose; yet, of late, certain persons, who neither had, nor ought to have, any concern in such elections, audaciously thrust themselves in, and frequently disturb the electors by their noisy and importunate clamours; therefore he commands, that, in time coming, the mayor and the sheriffs make proclamation, and strictly prohibit all persons from coming to such elections, unless those who *by right and ancient custom were entitled to be there;* and that the election should be made solely by the aldermen and the more discreet and powerful citizens, according to ancient custom *(per aldermannos et alios cives discretiores et potentiores secundum consuetudinem supradictam)*."

This charter afforded a key for explaining the meaning of the corresponding terms employed in the Scotch statute, and proved that the persons referred to in its preamble were not the burgesses. It might also be observed in passing, that it afforded another and very striking illustration of the distinction between *cives*, or citizens at large, and the *cives discretiores et potentiores civitatis*, or the governing part of the community, which he had before so fully impressed upon the House.

The act 1469, therefore, was proved, by the consideration of its own terms and provisions, and every authority to which reference had been made in the course of the argument upon this subject, to have been a statute passed for the express purpose of extending, instead of abridging, the rights of the burgesses. But if the history of Scotland were examined from the period when that statute was passed, down to that when the clamour against it was first excited, about thirty years ago, no reasonable person could doubt that it could not be a statute of that description which all the petitioners and their friends had represented it to be. In those petitions, and in the Memorial to which reference had before been made, the House was told, that that statute had deprived the burgesses of their radical and essential rights, and had introduced into the Scotch burghs a system of the *most grievous, oppressive, and humiliating of petty tyrannies.*

Now if that was the true description of the measure, he apprehended there would be no doubt that the men who had been thus so grievously oppressed and tyrannically deprived of their most valuable rights, would have seized the first opportunity which might have presented itself, of insisting to have them restored. But the fact was quite otherwise; for while constant opportunities had occurred in the history of Scotland, when the burgesses might have stipulated for the abrogation of this statute, had they been so inclined, frequent occasions had also occurred, when the gratification of the burgesses, and the extension of their rights and privileges, formed the main objects of the sovereigns of that country; the statute still remained unrepealed, and was all along considered the great charter of those incorporations. If it had been the policy, as it was said, of the Scottish legislature, in the minority of James 3rd, to extend the powers of the aristocracy, and to abridge the rights of the lower orders, every body knew, that after that monarch assumed the reins of government himself, his policy was directly the reverse. His object, from that time to the period of his death, was to exalt the power of the burghs, and the burgesses, in order that they might act as a counterpoise to that of the nobles. Nay, in point of fact, it was well known that James 3rd was particularly attached to the lower orders in the burghs, and that it was from him that

that class of the citizens chiefly received those privileges and distinctions with which the livery companies in Scotland were now invested. If this statute, then, had been so injurious to those classes of the community, it was impossible to doubt that it must, during that reign, have been repealed; but instead of being repealed, its provisions were confirmed, and so far extended, that a statute was passed, absolutely requiring, that four of the old council should be continued in the new.

Supposing, however, that the burgesses had chosen to submit to this grievous and oppressive tyranny during the reign of their greatest patron, James 3rd, why did they not assert their rights in the subsequent age, when, by the death of the king, and the annihilation of the nobility at the battle of Flodden, the administration of the government was vested in a weak and odious regency during the infancy of the sovereign, and there was no power in the state to have resisted any claim which the burgesses might have thought fit to prefer? Why did they not avail themselves, when that prince became of age, of his enmity to the aristocracy of the kingdom, to have obtained the repeal of a measure, said to have been passed only in favour of that aristocracy? For what possible reason could the burgesses have submitted to it during the troubles in the reign of queen Mary, when both she and her rebellious subjects were alternately obliged to court the favour of these classes of the community? It is impossible to conceive, that any of the periods which had been mentioned, or the reigns of James 6th, who courted the burgesses from policy, or of Charles 1st, who did so from necessity, or the revolutionary period which followed, when the burgesses possessed almost unlimited influence, and when the grievances of all orders of the state were matter of daily and open discussion, would have been allowed to pass, if not without the abrogation of the statute 1469, at least without the grievances it imposed being made the subject of complaint, if it had actually created that system of grievous and petty tyranny so loudly and indignantly exposed.

But what must satisfy every person of the gross misrepresentations which have been made of this statute, and of the system which it established, were the proceedings which took place immediately before and at the Revolution in 1688. That was not the period in which any class of the people of Scotland was inclined to submit either to laws or measures of an arbitrary and tyrannical description. Yet, during the memorable struggles in which the nation was involved, this statute never was complained of; while, at the Revolution, it was, to all intents and purposes, re-enacted and confirmed. In the declaration, containing the claim of right, it was stated, that James 2nd had for this, among other reasons, forfeited his crown; that, "he had subverted the right of the royal burghs, the third estate of parliament, imposing on them not only magistrates, but also the whole town council and clerks, contrary to their liberties and express charters, without the pretence either of sentence, surrender, or consent." And in the articles of grievances presented to king William, along with the offer of the crown, it was stipulated, that "the grievances of the burrows be considered and redressed in the parliament." The grievances of the burghs were accordingly considered and redressed; but the grievances which were dwelt upon were not those fictitious grievances now alleged to have been created by the act 1469. They, in truth, consisted in the violation of that statute, which was then considered as the foundation of the rights and the liberties of the royal burghs. And what, he would inquire, were the measures adopted for the relief of those corporations, and the redressing of their grievances? Was it to repeal the statute of James 3rd, and to restore to the burgesses those valuable privileges which, it was now pretended, it had been its object to annihilate? By no means. The convention parliament, composed of men, whose object was not to perpetuate, but to abrogate abuses—who had exposed their lives and fortunes, and every thing dear to them, for the sake of the liberties of their country—men who, unable to resist the degrading, oppressive, and arbitrary measures of the last of the Stewarts, took up the sword, neither to establish nor confirm tyrannical abuses, whether in the crown or in the laws; but to restore, to all orders of the state, the privileges and the rights which justly belonged to them; what was the course that they followed with respect to the corporations in question? In the first place, they certainly did not repeal the statute 1469: but as, from the proceedings of James 2nd, the provisions of that act could not be observed in new modelling the com-

mon councils of the burghs, there being of necessity no old councils legally elected in existence, they, as an extraordinary remedy, passed a special statute, authorizing new elections "to be made of ordinary magistrates and town councils for the several royal burghs, by the poll; and that on such times, and at the sight of such persons as the states shall appoint." But instead of that poll being to be repeated each year, which, according to the claims of the present reformers, ought to have been provided for, the statute left the elections thereafter to be made in the ordinary manner, by the old councils electing the new.

Indeed, the very circumstance of this act having been passed, was utterly subversive of the doctrine of an inherent right of election residing in the burgesses, when, on account of illegal encroachments on their liberties, the common-councils were no longer able to elect their successors. For if such inherent right had existed, instead of providing for a poll election, limited both as to time and as to the persons before whom it should proceed, all that the convention parliament would have done, was to have declared that the royal burghs having suffered encroachments on their liberties and privileges, by letters and recommendations from the king, his council, and others, whereby their common-councils were not legally constituted, the same should be dissolved; for when that was done, the supposed right of election competent to the burgesses, would, as a matter of course, immediately have revived. Instead of following that course, however, even the extraordinary remedy which was resorted to, was tramelled and controlled by imposing the necessity of obtaining a warrant, regulating the time and manner of carrying on the elections.

Such warrants, in point of fact, were accordingly granted, 1st. by the estates of the kingdom themselves, who, in virtue of two different acts [1689, C. 2 and 15], had assumed and exercised all the powers of the government during the interregnum; and, after the acceptance of the crown by William and Mary, by the privy council of Scotland. This circumstance was the more material, that in the elaborate paper* to which he had before referred, it was contended, that in point of principle no such warrant was required in any case to enable the burgesses to exercise their right of election. But it must be manifest, that, if that had been the case, the period now alluded to, when the government of the country was actually in a state of dissolution, was the time when those warrants would have been dispensed with. But those learned gentlemen, in support of their doctrine, had appealed to a case which was said to have occurred in the burgh of Queensferry, in the year 1710, in which an election, by poll of the burgesses, had been made under no other authority than that of the convention of the royal burghs. This, however, was an inaccurate statement of the proceeding. If the record had been quoted fairly by the learned gentlemen, it would have been seen, that the case, instead of making for their argument, made directly against it; for the fact was, that, upon an actual examination of the journals of the convention, it was found, that so entirely satisfied were all concerned, of the utter illegality of their proceeding, that, notwithstanding the whole parties having an interest in the burgh were before them, the convention required of those parties to "enact themselves," or come under an obligation in writing, "to stand to the determination" of the convention, whatever it might be, which they accordingly did. From this it was manifest, that all were aware, that had that agreement not been made, no decree which the convention might have pronounced, could have been rendered effectual. In thus limiting the poll to one single election, and prescribing that thereafter the course pointed out by the statute, 1469, of the old council choosing the new, should be afterwards pursued, the great men who settled and secured the government, laws and liberties of the kingdom sufficiently declared their opinion, that this last mode of election was neither grievous nor oppressive, nor entailed upon their fellow-citizens a humiliating and degrading tyranny.

But if the averments and assertions on the other side were refuted by what took place at the Revolution, they are not less authoritatively contradicted by the proceedings at the Union, and in the year 1746. At the former period, it was well known that every subject by which public discontent could be excited, was anxiously resorted to for the purpose of inflaming the popular phrensy; but gentlemen would in vain search for evidence of any com-

* Memorial for Burgesses of Inverness.

plaint having been then made of the act 1469. On the contrary, although it was unsuccessfully attempted by the ancestor of the noble lord opposite, to get the article in the treaty of union left open for the revision of the British parliament, it was settled definitively, and, as far as appears, without any murmur out of doors, that "the rights and privileges of the royal burghs in Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof." Those terms, "rights and privileges," he was prepared to show, applied, in the language of the time, to the right of the old council to elect their successors.* Instead then of the statute in question being considered as an evil, it was, in truth, deemed one of the securities of their freedom, and for its observance, the nation accordingly thought fit to stipulate, when it surrendered its legislature.

In the latter period again (1746), when the attention of the British parliament was particularly called to the important subject of circumscribing the power of the Scottish aristocracy (when there could be no bias on the part of a whig government, to maintain the power of the common-councils of the burghs of Scotland, as the common-councils were then composed of the tories, while the burgesses and inhabitants at large were attached to the reigning family), this so much reprobated statute was allowed to remain unquestioned and uncomplained of, as the great charter of the corporations of that part of the kingdom. It was not till about the beginning of the French revolution, when the power of the rabble was appealed to as the great means of overturning the institutions of the state, that this statute, and the mode of election prescribed by it, was first complained of; and it therefore might safely be concluded, that while all the authorities, and the statute itself, utterly disproved the existence of those pretensions which were set up on the part of the burgesses, the history of the nation, during a period of three centuries and a half, not only confirmed their testimony, but proved that the alteration made by that statute on the constitution of the burghs, had been neither grievous, oppressive, nor tyrannical.

But the noble lord had appealed to the practice in similar cases, as being in opposition to the proceeding lately recommended and adopted in the case of Aberdeen; and the learned gentlemen, in their memorial, had averred, that in any other branch, either of constitutional or of private law, such a deduction of practical cases as they enumerated would be held to settle the law of the question.

Now, though it was neither necessary nor desirable, to found upon precedents occurring before the Revolution, because they might be said to have resulted in some measure, from the arbitrary will of the sovereign rather than as being founded upon legal principle (although by the way it was plain, that while this might apply to the reigns of Charles and James 2nd, it could have no reference to the greater part of the period which had intervened betwixt the passing of the statute and the year 1689), yet it could not be immaterial to keep in mind, that no one instance of a poll-warrant having been granted during the course of these two centuries had been brought forward. He himself had been unable to find one, and he believed none such existed; while, on the contrary, there were instances upon record, and those too, belonging to a period when the government was in opposition to the sovereign, and popular principles predominated in the councils of the nation, of warrants upon an avoided election* being granted to the old council, whose proceedings had been set aside, to elect their successors.

But while he should not rest upon those instances as authorities of themselves, it was plain that if they accorded with the practice subsequent to the Revolution, they must necessarily tend very powerfully to confirm the conclusion that the practice was in conformity with the leading principles of the constitutional and burgh law of the country.

He should, therefore, proceed to consider the instances in which warrants of election had been granted subsequent to the period of the Revolution. In an appendix to a paper which had been published, as explanatory of the memorial for the burgesses of Inverness (which he observed in the hands of some of the gentlemen opposite, and which purported to

* See the terms employed in the papers in the case of Dumbarton, 19 Sept. 1689; and of North Berwick, same date, in the privy council of Scotland.

* There is one instance in the burgh of Aberdeen, about the time of the great rebellion.

have for its object the information of the members of that House), it had been stated, that between the period of the Revolution and the Union, forty-five such instances were to be found in the proceedings before the privy council of Scotland; and that of these, forty warrants empowered the burgesses to elect the common-council by poll. In point of candour, however, the authors of that publication, whoever they might be, ought to have stated, that of those, thirty-seven were warrants granted immediately after the assumption of the government by king William, not in the ordinary exercise of the prerogative of the Crown, but expressly in terms of the act of the estates appointing an election to be made in the different burghs of the kingdom, by a poll of the burgesses. Such warrants, therefore, were not granted in the ordinary course of law, but in obedience to the temporary and extraordinary remedy adopted by the legislature, to correct the wrongs committed by James the 2nd; while two of the others, viz. Burntisland and Culross, were, in fact, granted under circumstances exactly similar. For in those two instances, the elections made by virtue of the act of the estates, had been avoided; and as there was no old legal council in existence, by whom their successors could be elected, the privy council was, *ex necessitate*, compelled to direct an election to be made by a poll of the burgesses. In fact, unless they had so done, the privy council would have been virtually disappointing the object which the legislature had in view, of having one election all over the kingdom, by a poll of the burgesses. The third case of Dysart, was distinguished from the whole in a most important particular, which should be afterwards pointed out; and which utterly disproved the allegation, that upon an election of a common-council being avoided, a poll was held to be the legal and ordinary mode of reviving the functions of a royal burgh; indeed, it established that the rule was quite the other way. He should, therefore, take leave to say that of those cases, thirty-nine must be put out of view altogether, the warrants having been granted in virtue of the act of the estates.

But five instances of this list of cases which had occurred before the Union remained, in which it was admitted, that upon elections having been avoided, the warrant was granted to the old council, whose proceedings had been set aside, to elect the new. There were, however, six other instances, which were not to be found in that list to which he had referred; and which, although they must have been under the eye of the persons by whom it was compiled, and whose views and language, it could not fail to be observed, corresponded in a singular and congenial manner with that employed in the memorial of Inverness, were altogether omitted. In four * of those instances, as well as in the five which he had just mentioned, the warrant was directed to the magistrates and council, whose acts had been avoided, whose year, as it was said, had run out, and who had thus returned into the common mass of the burgesses, requiring and authorizing them to assemble and to elect their successors; while in the fifth,† the old magistrates were reinstated in their situations; and in the sixth,‡ thirty-three persons were specially appointed to make the new election.

Of those twelve cases, then, which were at all applicable to the present question, eleven were granted to the old magistrates and council, to elect their successors; and, therefore, considering that they were granted at a time when the privy council of Scotland was composed of as enlightened and disinterested statesmen, and as great lawyers as had ever been called upon to administer the laws of any country; they ought, upon the very principles assumed upon the other side, to be held to have constituted the law on the point in question.

But the twelfth case which occurs in that mutilated list, as having been a warrant for a poll election,—the case of Dysart, in the year 1690, to which allusion had before been made, seemed to fix, beyond a doubt, what was the constitutional principle by which the proceedings, in all such cases, were to be regulated, and which was quite in opposition to the argument maintained in behalf of the burgesses. In that case, there was a petition to the privy council for a poll election, and a warrant for a poll election was granted accordingly, "Providing always, that there be not a sufficient number of the last Old Council of the burgh, who will qualify themselves,

* Kirkaldy, 1690. Edin. 1691. Edin. 1692, and 3. Kirkaldy, 1702.

† St. Andrews, 1692.

‡ Jedburgh, 1690.

according to law, for making this year's election, which the said lords of privy council ordain to be made appear before ——— Wemyss of Bogie, whom they appoint to be present at, and see the said new election made, in case there be not an Old Council of the said burgh, as said is."

This case conclusively established, that so clearly were those eminent men of opinion that it was only in cases of necessity that a poll warrant could be granted, that they in fact refused the prayer of the single petition which was before them, by conceding a poll warrant only in the event of there not being a sufficient number of the old council to make a legal election.

But the charge of unduly omitting notice of cases which had actually occurred, and which must be of such high authority in forming an opinion of the present question, is not to be confined merely to the list in question. In the memorial addressed to the privy council, the learned gentlemen have stated, in express terms, "that by an unvarying practice since the revolution, the burgesses, *de jure*, had a right to a poll warrant on the elections made by the common-councils of the burghs being avoided." Yet, strange to tell, that memorial was utterly silent on all the cases which had occurred between the Revolution and the Union, to which chiefly considering of what men the privy council of Scotland was constituted, every one would naturally have looked, in order to ascertain the legal principle by which proceedings of that description at present should have been regulated. It was impossible for him to attribute such omission, considering the anxiety with which that memorial was drawn up, and considering the strong resemblance which it bore to the other production to which he had referred, and in which some of those instances were adverted to, to ignorance or unintentional error. The omission, however was undeniable, and the purpose for which it was made could not be mistaken. He should only observe, that to his mind, the omission forcibly admitted, that the practice of that period was so decidedly adverse to the proposition which the noble lord maintained, that even men of the most eminent talent thought it more advisable for their argument to pass it over than to attempt to explain it.—But he must take the liberty of observing further, with regard to the unqualified terms in which it was asserted, that there had since the revolution, been an invariable practice of granting poll warrants to the burgesses; that it afforded another instance of the gross and palpable delusion which was practised to excite a clamour for rights, which had never belonged to them, among the burgesses of Scotland. Ancient laws had been misinterpreted; the provisions of the statute 1469 had been misrepresented; a list, grossly inaccurate and imperfect, of the decided cases, had been made and industriously circulated, for the purpose of creating an agitation in the minds of the burgesses, and producing a clamour for reform, all of which proceedings would, he hoped, enable the House to appreciate the weight, which was due to the petitions on the table.

He would now come to consider the practice which had obtained betwixt the Union and the year 1781, when a poll warrant was granted to the burgh of Stirling. During that period, there were to be found in the list to which reference had before been made thirty-two cases in all. Of these, twenty-three elections, he understood the noble lord to have stated, had been made, in virtue of poll warrants, by the burgesses [Lord Archibald Hamilton assented to this statement]. But the noble lord was contradicted in this assertion by the terms of the very list which he held in his hand. In point of fact, only eight of those cases were directed to be made by a poll of the burgesses. In the other sixteen, the warrants directed the elections to be made, not by the burgesses, but by the burgesses and inhabitants. But what right had the inhabitants to be called in, if the inherent right was in the burgesses? And how csme they to be called in, unless there was vested in the Crown a discretionary right of empowering whom it would to revive the elections in a burgh where the right of election had become dormant? Indeed, it would be admitted, if not by the noble lord, at least by the petitioners, of whose numbers he boasted, that it was as great an infringement of the privileges of the burgesses to grant a warrant to persons who did not belong to their body, to co-operate along with them in making the elections, and who, in most towns, from their numbers, would completely overwhelm the votes of the ordinary burgesses, as to grant it exclusively to the magistrates, and the old councils, who, at least,

possessed the qualification of being members of the corporation; and, in most cases, formed its most worthy and respectable portion.

But in one of those twenty-three cases, and that not one of the least considerable, (that of the town of Edinburgh, 16th June, 1746) not only were the merchants and tradesmen, whether of the town or not, empowered to vote in the election of the magistrates and council, but even the merchants and tradesmen residing in the suburbs. In another (that of Linlithgow, 4th May 1759), the warrant was conceived in similar terms; and, in the case of Dingwall in 1759, even the heritors or holders of real property within the burgh, provided they bore a part of the public burthens, were directed to vote along with the burgesses.

But if the circumstances of each of those cases, in which a poll warrant was granted were considered, they would be found very far from bearing out the proposition so broadly maintained in the Memorial, and by the noble lord. In three of the cases, viz, Burntisland, 1709, Kirkaldy, 1715, and Linlithgow, 1759, there was no old council existing; and, therefore, as in the case of Dysart, before mentioned, a poll was resorted to as a matter of necessity.

In other six of the cases,* where poll warrants had been granted, the elections had been avoided on account of bribery on the part of the old council. The sovereign, therefore, if not by law, at least in the sound exercise of his royal prerogative and discretion, was disabled from reviving the burghs by an election to be made by men who were thus contaminated, and who, by the recorded judgment of the courts of judicature, might even be liable to punishment on account of their corruption. Those cases then could afford no evidence in support of the pretensions which were now maintained.

In four more of the cases,† the elections had been reduced, in consequence of the majority of the councils having, from corrupt motives, made separate elections, which were avoided by the court of session, which could not sustain the elections made by the minority, the meeting held by the minority not amounting to the major part of the council, and forming a *quorum*. In those cases, therefore, poll warrants were resorted to of necessity, because, while the major part of the councils had incapacitated themselves, the warrants could not be addressed to the minority, which could not constitute a legal meeting.

In the remaining cases, the corporations had been deprived of the power of electing their common councils by the proceedings of the rebels in the years 1715 and 1745; and the House would be satisfied from the authority which he was about to read, that those cases, instead of supporting the argument of the petitioners, by proving that poll warrants were granted as a matter of right, still farther demonstrated that warrants of that description were only granted of necessity, when the old magistrates and councils were by law incapacitated, or where it was legally inexpedient, by the exercise of the royal prerogative, to revive their power of electing their successors. The authority to which he referred was that of sir David Dalrymple, of Hailes, then lord advocate, sir James Steuart, then solicitor-general, and of Cockburn of Ormiston, then lord justice clerk, who, in the year 1716, had been required by the king in council to consider and report their opinion as to the most proper and effectual method of re-settling the magistracy of certain burghs, whose elections had been interrupted by the rebellion.

These very eminent persons stated in their report that they concurred in opinion, "that not any one rule can be found to accommodate the case of every burgh for answering the ends of your lordship's (the secretary of state's) letter; but the most regular and easy method that occurs to us, is, that the magistrates of this last year, be, by order of council, appointed to elect magistrates and councils for the remaining part of this year, until the leets of the next annual elections, according to the constitutions of the several burghs, which will be about Michaelmas next, debarring all persons who have been concerned in any acts of disaffection, during the rebellion, from electing or being elected." The opinion proceeded to state, that, "In some burghs the defection has been so great, that there does not remain a *quorum*, according to the constitution of the corporation, of persons to proceed to an election; and, in

* Dingwall 1759, Inverkeithing 1766, Pittenweem 1767, Anstruther Wester 1767, Jedburgh 1774, Stirling 1781.

† Montrose 1723, Haddington 1723, Dysart 1725, Jedburg 1728.

these cases, we are humbly of opinion, that there is a necessity of a popular election, by poll of the burghers and freemen, such as has been appointed since the Union, in the burghs of Burntisland and Kirkaldy, by order of council. Of this kind, the most considerable is the burgh of Dundee; but such orders in council do require some restrictions, and more especially that none be admitted to elect or be elected, who have been concerned in any acts of disaffection during the late rebellion."

These opinions were entitled to the greater weight, that one of the eminent individuals by whom they were given, held at the time one of the highest judicial situations in the kingdom; and they seemed conclusively to establish not merely the reason why poll warrants had been granted in the instances in question; but as had previously been held by the eminent judges, who had filled the office of privy councillors before the Union, that they could only legally be granted in cases of necessity, where the mode of election pointed out by the statute could not be followed. It might be observed too, that this opinion afforded another instance of the total want of reliance that could be placed upon the accuracy of the statements, even in matters of fact, of the memorial of the burgesses of Inverness, so often referred to; it being asserted in that paper, that the warrants to Aberdeen and Inverness had been granted to the magistrates to elect their successors, because the burgesses were disaffected; while it clearly appeared that it was only in those cases, where there was not a sufficient quorum of the old council, who were well affected that recourse was had to a poll.

Of the whole twenty-three cases, as constituting the practice in favour of warrants for election by poll asserted to be invariable, twenty-two had thus been satisfactorily explained and accounted for. The grounds upon which the election in the other* had been avoided, had not been discovered; but it could not be reckoned an unfair inference to conclude, that it must have been granted upon principles not inconsistent with those acted upon in the numerous instances, which had been explained.

In the remaining six cases of the twenty-nine, it was admitted that the warrants of election had been addressed to the old magistrates, or the old magistrates and council. He therefore held himself entitled to conclude, from a consideration of the whole of the cases in question, that instead of the burgesses having a recognized and acknowledged title to insist as a matter of right, upon a poll warrant, it would have been a more accurate statement of the law, to have laid it down that the Crown had no right, except in cases of actual necessity, to grant a warrant of that description.

It was proper, however, to mention, that in the year 1747, a case came before the Court of Session, in which a warrant had been granted by the king in council, to the magistrates and town council of Montrose, to elect their successors after their ordinary election had been prevented by the operations of the rebels. In that case, undoubtedly, lord Arniston (afterwards lord president of the court of session, and a person of the first eminence as a lawyer) delivered his opinion that the Crown had been ill advised as to the shape of the warrant, which ought to have been, his lordship thought, one authorizing an election by a poll of the burgesses. But although this was the opinion of that learned person, the other judges thought otherwise; and there were lawyers of not less eminence than him upon the bench at the time, who took part in the discussion. Among others, Forbes of Culloden, then lord president (who is strangely quoted in the memorial so often referred to, as evincing an opposite opinion, in consequence of his having officiated as a commissioner at a poll election for Inverness, twenty years before) not only dissented from that opinion, but delivered a clear and decided judgment, in opposition to that of lord Arniston: and it must be admitted upon all hands, that no man more distinguished as a statesman, as a patriot, or as a constitutional lawyer, ever presided in the court of session.*

* Cupar, 1725.

* In the memorial for the burgesses of Inverness, it is stated that in the case of Brechin, in consequence of this opinion of lord Arniston, a warrant addressed to the former magistrates and council, who had been interrupted by the rebels, empowering them to elect their successors, was actually countermanded; and a warrant for an election by poll of the burgesses, granted in its room, the judgment

Let the authority of lord Arniston, therefore, be rated as high as it might, it could not be placed higher than that of lord president Forbes, nor even entitled to such weight and consideration, considering it was not supported, as his lordship had been, by that of the whole of the other judges. But the House had been told, that Mr. Wight, in his treatise on elections, corroborated the opinion of lord Arniston; and in the memorial in behalf of the burgesses of Inverness, it was said that there was no authority which could possibly be referred to in support of an opposite doctrine, and that no writer since Mr. Wight had ventured to contradict his opinion.

Now it was no doubt true that Mr. Wight did give that opinion, and that Mr. Wight was a very eminent lawyer; but it was not true that the opinion of Mr. Wight had never been contradicted by any later authority. In point of fact too, it was unquestionable, that although a lawyer in great practice and of much learning, that part of Mr. Wight's treatise which respected the burghs was the least perfect and the least valuable of the whole work. There were many circumstances, and particularly the well-known bias which he naturally received from cases in which he was professionally engaged, and under the influence of which his book was composed, that weakened its authority. In the instance in question, so little consideration did Mr. Wight seem to have bestowed upon the subject, that he nearly adopted the words of lord Arniston, without stating that lord Arniston, was in a minority of one, or pointing out the reason why in opposition to the sense of the majority of the judges, he thought fit to lay down the doctrine of his lordship as the law of the land.

In order, however, to judge of the value of Mr. Wight's authority in this instance, it was not immaterial to observe, that he had stated, as the ground of his opinion, in favour of an election by poll, that in the event of an annual election, in a royal burgh in Scotland, being avoided, a warrant to revive it might be demanded as a matter of right, because the burgh was not thereby disfranchised; while in England, no such right existed, the burgh being in such a case actually dissolved, its lands and other property returning to the grantor. This statement, if correct, would not, however, warrant the conclusion at which that author had arrived. It was true, that in consequence of the articles of the union, it might be competent to all persons having an interest in a royal burgh so situated as to demand as a matter of right, that its functions should be revived; but it would not also follow, that those persons whether burgesses or others, had a right to insist upon being authorized by the warrant, to act as the instruments of operating that revival. That must necessarily depend upon the extent of the prerogative and discretion of the Crown, or of the rights inherent in the burgesses, either as they originally existed, or had been modified by the acts of the legislature, or in the old council; and whether the matter were to be considered in one point of view or the other, all pretensions to such right in the burgesses had been demonstratively shown to be utterly unfounded.

But in so far as Mr. Wight's opinion depended on his representation of the rights of the English burghs, when placed in a similar situation, it was understood to be altogether inaccurate. A corporation in England, at no time had been held to be dissolved by its failure to continue itself. By so doing, it lost nothing

---

of lord Arniston, in the case of Montrose, having been pronounced on the 23rd of January, 1747, and the poll-warrant having been granted to the burgh of Brechin on the 26th of June, 1747; and this allegation was again made by Mr. Hume, (member for Montrose, &c.), in the course of the debate. It was stated, however, in explanation by the lord advocate, that the memoralists of Inverness, their learned advisers, and the hon. member must be mistaken in the above statement; for in consequence of the style not being then altered, the year began upon the 25th of March, and therefore the 26th of June, 1747, preceded the 23rd of January, 1747. The judgment of lord Arniston, therefore, could not have affected the proceedings of the king in council in the case of Brechin; and the alteration had more probably been occasioned by its having been discovered by the advisers of the Crown, that the magistrates and council of the burgh of Brechin, were in the predicament pointed out by the law officers of the Crown, and the lord justice clerk in their report, and that, therefore, there was a necessity in sound discretion for calling in the co-operation of the burgesses.

but the power of electing its municipal council. Its lands and other property did not return to the grantor.* It only became dormant till restored to its activity by the warrant of the Crown. When so situated, it, in fact, was reduced to the same situation as a royal burgh in Scotland when its annual election was avoided, which also required the authority of the Crown to revive its functions. It was plain, therefore, that Mr. Wight's authority upon this subject could not be regarded with much consideration, the whole subject having been very imperfectly investigated by that learned author.

But so utterly unfounded was it in fact, that no writer since the time of Mr. Wight had ventured to state an opposite doctrine or to contradict his opinion, that there was only one writer who, from that period to the present, had published a work upon the subject (the late Mr. Bell), and he dissented from Mr. Wight's opinion, in the most express and decided terms. The hon. and learned gentleman opposite (Mr. J. P. Grant) seemed to question the authority of Mr. Bell's work, and to express a disregard for his opinion; and this was no new practice with the hon. and learned gentleman. When an authority was quoted against him, which he could not reply to, he attempted to undervalue it. In the debate which took place upon a point of Scotch law during the last session, he had denied authority to Mr. Burnett's work on the criminal law, while it was matter of notoriety that the book was daily referred to by the most eminent judges in the supreme court. He now, in the same summary manner, it seemed, wished to dispose of the authority of Mr. Bell, who was the lecturer appointed by the writers to the signet to teach the law of Scotland to their society. He protested that he was ignorant of the right which the hon. and learned gentleman possessed of thus summarily pronouncing upon the merits of the works of eminent men respecting the law of Scotland; and of requiring of the House to believe, upon his testimony, those which were and those which were not received in the Scotch courts as works of authority. In the present instance, in particular, it appeared, that as Mr. Bell's opinion coincided with that of the whole court, with the exception of one judge, it was entitled to far greater respect than that of Mr. Wight; unless, indeed, by the same assumption of power, the House was to be told that the opinions of lord president Forbes and his thirteen brethren was not regarded as of equal weight in the law of Scotland with the solitary unsupported authority of lord Arniston. But, moreover, the mere fact of Mr. Bell having given that opinion, ought to convince the House with what distrust those statements ought to be received as to points of fact which were contained in the memorial for the burgesses of Inverness, in which it was unreservedly asserted that no such opinion had ever been given.

While thus referring to the opinions of Mr. Wight and Mr. Bell, founded on the judgment given in the case of Coutts and Doig, it was proper to mention that a proceeding exactly similar to that which had occurred in that case, had taken place in the present.

The burgesses of Aberdeen, who were said, by the act of the Crown to have been deprived of their constitutional right of electing their magistrates by poll, instead of being advised by their learned counsel, (most, if not all of whom also subscribed the memorial for the burgesses of Inverness), to bring the question of the legality of the warrant to trial, by an action to have it avoided before the supreme court; proceeding upon the assumption that the warrant was legal, had complained to the court of session, that in the course of the election made under its authority, its directions and provisions had not been complied with, and therefore praying that the election might be set aside. When delivering its judgment upon the merits of that complaint, as in the case of Coutts and Doig, the court (and had the warrant been so unconstitutional and illegal as represented, it no doubt would have done so) might as lord Arniston had done, have animadverted upon the erroneous advice which had been given to the Crown as to the form of the warrant. But instead of doing this, while one of their lordships intimated an opinion, that there was nothing illegal in the mode of election authorised by the warrant, not one of the judges expressed even a doubt to the contrary.

But it would be unfair, after the attack which had been made by the noble lord upon the magistrates of Aberdeen—after the manner in which they had been personally traduced and calumniated, to omit stating to the House, a part of the judg-

* 3 Burr. 1866.

ment delivered by the eminent person who presided in the court when that case was decided; a learned personage placed at the head of the criminal law of the kingdom, well known to possess the highest and most honourable mind, who enjoyed in an extraordinary degree the confidence of his fellow-citizens, and who, besides being at the head of the second division of the civil court, administered the criminal law not only to the satisfaction, but to the admiration of the public; that learned person had said, "I cannot conclude without expressing my regret, that the wholesome advice which was given to the inhabitants of Aberdeen, by one of my learned brethren (lord Pitmilly), at the last circuit, has not been better attended to.—His advice was, that the only means of relieving that city from its difficulties, and restoring it to its former prosperity, would be, to lay aside those dissentions and animosities, with which it has been distracted; and to pursue the good course of peace and harmony. I know that the magistracy which has now been formed is of the most respectable description; and that, in particular, no person could be better qualified, than the highly respectable individual placed at their head, for the discharge of the important duties of his office; and I am satisfied that were such individuals allowed to discharge their duties unmolested, the city of Aberdeen would soon recover its former prosperity and splendour."

The men to whose characters testimony was thus borne, were men who had that night, on account of alleged fabrication and forgery, been held up to the reprobation of parliament; but he trusted they would now stand clear in the estimation of gentlemen from the imputations which had been unjustly cast upon them, and held to be untainted by the crimes with which they had been charged.

But to return to the question of the legality of the warrant having been directed to the old magistrates and council, there was only one other authority to which he would refer, and which, very strangely, in his humble opinion, had been quoted in support of the doctrine that the right to a poll warrant was vested in the burgesses. He referred to the statutes of the 7th and 16th George 2nd, by which there was conferred upon any constituent member of a town council, the right of complaining to the court of session, in a summary manner for redress of the wrongs done by a majority at an annual election, or even avoiding the whole of their proceedings. These statutes, it had been said, in the memorial in behalf of the burgesses of Inverness, would become a dead letter, if the result of avoiding by the court of session, an annual election, illegally made by the old magistrates and council, was not in every such emergency to vest in the burgesses the right of election.

Now with all possible deference to the eminent authority of the learned persons who had closed their argument with this alarming proposition, it did appear to him, that the provisions of those statutes, necessarily led to a conclusion, diametrically the reverse of any right to a poll warrant being vested in the burgesses, in the event of proceedings being avoided which had been held in virtue of their enactments. By those statutes it was expressly provided, that in order to have a title to complain of wrongs done at the annual elections, the complainer must have been a constituent member of the meeting which assembled for the purpose of making the election. It was not enough that he should be a burgess or a freeman of the corporation, he must also have been a member of the council. A burgess, as such, had no more right to complain of any proceedings which might have been adopted in the common-council, than if he had belonged to another burgh or another kingdom. But if it had been intended that upon the avoidance of the annual election, there immediately should have sprung up an inherent right in the burgesses, to elect the common-council of the burgh, the power of complaining of proceedings which shut them out from the exercise of that right, must necessarily have been conferred upon them by the statutes. The limiting the title of complaining, in the manner which had been done by the legislature, absolutely demonstrated that such right was not understood to belong to them. Indeed it might be questioned whether, without any special provision, the interest which the burgesses would, in that case, have had to reduce the illegal proceedings of the common-council, would not of itself have been sufficient to have vested them with the right of instituting the necessary action for the purpose in the courts of law.

But it seemed as if in the whole course of the argument, the difference betwixt avoiding the election made by the old council, and the avoiding the right of the

old council to make that election, had been totally overlooked; yet it was plain, that the one was altogether different from the other, and this difference was of infinite importance in determining the point of law involved in the question of the legality of the mode adopted for reviving the burgh of Aberdeen. The very statutes which he had just referred to did not contemplate the taking away the right of electing their successors, vested by law in the old magistrates and council. They had respect to nothing but the correction of any wrongs, of which, in making that election, they might have been guilty; and they left entire and untouched, to that branch of the government to which it legitimately belonged, to determine when that degree of necessity existed, which should preclude those electors from exercising that function, which, through their own proceedings, had become dormant.

But even if the argument which he had drawn from the statutes, and which seemed to be conclusive, was deemed to be inaccurate, the mere circumstance of the courts of law being authorized to correct an error made in the course of an election, did not lead to the inference that the persons by whom the error had been committed, were to forfeit their legal and constitutional right of making an election, in place of that which had been avoided.

From the long, and he was sensible, most uninteresting statement which he had been compelled to make, in vindication of the principles on which the late warrant to Aberdeen had been granted, he conceived it to have been incontrovertibly established that where the annual elections made by magistrates and councils of a royal burgh in Scotland, have been avoided, there was no right inherent in the burgesses at large, to require from the Crown a warrant authorizing them to revive the common council of the burgh, by an election by poll;—that in such cases the legal principle, as sanctioned by practice, required that where the old magistrates and council had been guilty neither of any delinquency, corruption, nor fraud, the warrants to be granted by the Crown, should, on the contrary enable the election to be made by those in whom had been vested by law the right of electing their successors; and that it was in cases of necessity where the old magistrates and council had incapacitated themselves from the exercise of their function by having been convicted of bribery and corruption, or where they had been engaged in rebellion, or had committed any fraudulent delinquency, or where the old council was diminished in point of number below what was required to constitute a legal *quorum*, that the Crown was warranted in the exercise of that sound discretion, to which it was competent by the constitution to grant a warrant for an election by poll, whether of the burgesses and inhabitants of the burgh, or even of persons residing without the bounds of its jurisdiction.

Feeling, as he did, the most perfect reliance in the justness of the view of the question which he had thus submitted to the House, he was himself relieved from the necessity of discussing the expediency of introducing any change whatever into the present state of the law upon this subject, were it competent for parliament to do so in consistency with the treaty of union. But he could not help observing, that if a change were to be made upon the law relative to the right of electing the common-councils of the burghs of Scotland, he could see no reason why that right should be transferred either to the burgesses of guild, or the members of the craft (or livery) companies. They were neither more wealthy nor more capable of exercising a function of that description than the other inhabitants of the burghs. In many of the towns they were certainly of less consideration than the majority of the inhabitants; and in others, as far as he himself had been capable of judging, the most respectable part of the burgesses was composed of the members forming the common-councils. Factious persons might maintain the reverse; but he himself was thoroughly persuaded, that in most of the burghs in Scotland the most respectable members of the corporations were called upon to exercise the municipal government: and that if some of their names were not to be found in the common-council, it was owing to what he had occasion to know very frequently occurred, their wishing to have no share in the politics of the burgh.

In thus deprecating any change in the political constitution of the burghs, he was very clearly of opinion, that an uniform mode of accounting for the expenditure of their funds or common good, as it is called, ought to be required, and provided for by parliament. He had accord-

ingly intimated his intention, to move for leave to introduce a bill for that purpose, somewhat similar to, but, on the whole, more efficient than that which he had brought forward during the last session of parliament, and as effectual a remedy for the existing evils as, he believed, could, under all the circumstances, be provided. But he should be most anxious, and ready to avail himself of any suggestions, which the noble lord, or any other honourable member might think fit to make, for rendering the control wished for, more complete. This, however, was a branch of the question, totally unconnected with the point which was now before the House: and he should therefore enter into it no farther than to state his thorough persuasion that a remedy for that part of the alleged grievance would not be attained by any alteration whatever, in the political constitutions of the burghs. On the contrary he was convinced, that the more extended the right of electing the common-council should be made, the expenditure of the burgh revenues would only become the more lavish and profuse. The effect of such a mode of election, would be to introduce annually new men into the council, who would have their own plans, and their own projects; and who in their turn must yield to more popular candidates for public favour. In fact, it was quite a delusion to state that the dilapidation of the burgh revenues had altogether taken place through the wasteful extravagance of the common-councils. The revenues of the burghs had more than a century ago been almost annihilated through the prodigality of Charles 2nd, and James 2nd, and the rapacity of their favourites, who at that time governed the country. The wealth amassed by the duke of Lauderdale and others, resulted from the profligate extortion practised by them upon the revenues of the burghs of Scotland; and if the history of the great estates, which the petitions upon the table represented as having once belonged to the corporations, was traced, he had no doubt it would be found, that they had been disposed of in a similar way, and for similar objects.

But this was not all; for what was spared by the minions of the house of Stewart, seemed to have fallen a sacrifice to the enterprising spirit of the nation, which induced it to run headlong into the scheme for establishing the African company, a special statute [Act 1695, c. 42] having authorized the administrators of the common good of burghs, to embark the estates under their management in that unfortunate, and ruinous adventure. However much, therefore, it might suit the purposes which the noble lord had in view, to represent the dilapidated state of the revenues of the Scotch burghs, such statements, while they were in a great measure inapplicable to the question before the House, were no less so to the present system of their municipal government.

The Lord Advocate said, that having trespassed at so great a length upon its time and patience; and having experienced so largely the indulgence of the House; it would be unwarrantable to detain it longer, even by apologizing for having entered into the very dry detail which he was now about to conclude. It must, however, be kept in remembrance, that the truth of the charge made against him by the noble lord, of having entailed ridicule upon himself, and disgrace upon his majesty's government, by the contradictory advice which it was contended he had given in the cases of Montrose and Aberdeen, entirely depended upon the question, whether those supposed opinions were agreeable or contrary to the law of the land. It was for the legality of the advice only, that his learned friends and himself could be responsible; to the question of law, therefore, alone, was he called upon, or even entitled to have addressed himself; and, to use those terms which the noble lord had thought proper to employ, with respect to his conduct, and then to endeavour to shut him out from discussing the question on which that defence rested, under the wretched pretence, that it was wished to waive that discussion till another opportunity, was a proceeding which neither the noble lord nor the gentlemen opposite, had a right to adopt: and to which, certainly, he was not bound to submit. He defended himself, therefore, against the imputations of the noble lord, by contending, that it was conclusively established, that although the warrants granted for a poll in the case of Montrose, and to the old magistrates and council in the case of Aberdeen, were in themselves different from each other, they did both of them rest upon the same legal and constitutional principle. In the one, the magistrates and council had been convicted of wilfully making an election

in a manner contrary to the charter of the burgh and the law of the land. In the other, the only ground assigned, in the judgment of the court, for avoiding the election made by the old magistrates and council, was a trivial error which they had unintentionally, and inadvertently been led to commit. Assuming it, therefore, as clear, that without sufficient and legal grounds, the Crown was not entitled to deprive the old magistrates and council of a burgh of their right of electing their successors, he contended that in the case of Aberdeen, it would have been an arbitrary exercise of the prerogative, to have granted a warrant for election by poll of the burgesses; while, on the other hand, if it was competent for the Crown to revive a burgh, by authorizing a new election to be made by poll of the burgesses, there were the strongest grounds in sound discretion for exercising that power in the case of Montrose. The one set of magistrates had, through their own wilful wrong, themselves produced a legal necessity for having recourse to that extraordinary remedy; the old council of Aberdeen had done nothing, either in morality or in point of law, for which they should be deprived of their legal right of electing their successors. Both warrants, therefore, rested upon the same principles, respecting the constitutional prerogative of the Crown,—a prerogative not to be used arbitrarily, but according to a sound and legal discretion. However much, therefore, the proceedings in those cases might have exposed him to obloquy and misrepresentation; yet conscious to himself that the opinions which he had given were dictated entirely by what he believed to constitute the law of the land, and that too, after a most anxious consideration of the question, he should have been altogether unworthy of the trust reposed in him by his sovereign, if to shelter himself from reproach, and to please the noble lord, or to gratify any human being, he had shrunk from discharging what he had conscientiously felt to be his bounden duty. He therefore trusted that the House would negative the motion of the noble lord.

Mr. *Hume* hoped, that, as representative of the district of burghs to which Aberdeen belongs, he should receive the indulgence of the House in offering those observations, which a careful attention to the subject had suggested. He had listened with particular attention to the speech of the right hon. and learned lord; and could safely assert, that not one fact or statement of the eloquent and convincing speech of the noble mover had been contravened, or one argument refuted. The learned lord had satisfied himself with general denials, when he could not meet the noble lord: he had taken up the case in a way which was expressly kept out of view; and he had attempted to give interpretations and explanations, both to the law and the fact, which he believed to be altogether erroneous and untenable. The noble lord had grounded his motion on the conduct of the magistrates of Aberdeen, as a self-elected junto, their malversation as such, and of the expediency and justice of his majesty's government giving to the burgesses the power of remedying the defects and mischiefs which had taken place under a rotten and corrupt system—a body that had fallen to pieces, as the noble lord expressed it, from its own rottenness. The noble lord had expressly deferred to a future part of the debate, or to a future time, the question of legality of the proceedings of his majesty's government towards Aberdeen; but the learned lord had found it convenient to pass the question as to its expediency, policy, and justice; and to consider it only in a legal point of view. This was a convenient mode of proceeding, when there was neither arguments nor facts to meet the charges made by the noble lord.—The learned lord had considered the motion, and complained of it, as affecting the parliamentary reform of these burghs; but the House would recollect that the noble lord had expressly stated, at his outset, that parliamentary reform formed no part of the present case. He (Mr. Hume) acknowledged that, ultimately, such a reform, as he expected these burghs to receive, would affect parliamentary representation. [Hear, hear, from the ministerial benches].—And why should it not? [Hear, hear, from the opposition benches.] Most certainly it ought; and, at a future day, he trusted that branch of the subject would be brought before the House, and receive its favourable consideration.

With respect to the conduct of the magistrates of Aberdeen, for many years past, it was impossible there could be a difference of opinion. In noticing the conduct of the magistrates of Aberdeen, he begged he might be understood as only speaking of their public official conduct,

as he had nothing to charge them with in their private capacity: on the contrary, he was informed that the present council were men of respectability and character; he had not a personal knowledge of them. The whole council had placed on their minutes the nature and extent of the evils their management had brought on the city, and had recorded their total imbecility and unfitness to conduct its affairs. They had demonstrated their incapacity to perform the duties of magistrates, when, in 1817, they were compelled, by previous mismanagement, to transfer the whole property and funds of the city, of which they alone were the legal managers, to trustees for behoof of the creditors of the city. Brought to the verge of ruin, by failure of credit and confidence, the funds of the city were put into other management, charged with a load of debt altogether unprecedented.—If there were no other documents before the House, the minute of the Aberdeen council of the 19th September, 1817, read by the noble lord, was sufficient to convince this House of the perfect rottenness of the system, and of the absolute necessity of a change. "They reiterated their decided opinion that the present mode of election of the town council, and management of the town's affairs, are radically defective and improvident, tending to give to any individual or party, who may be so inclined, an excessive and unnatural preponderance; and to foster and encourage a system of concealment, under which the most upright and best intentioned magistrates may not be able to acquire that thorough knowledge of the situation of the burgh which is requisite for the due administration of its affairs." He did not blame the present magistrates of Aberdeen; but on that confession of their predecessors, and on the state of the town's property, he condemned the system under which they have acted.

The learned lord had altogether omitted to notice the financial difficulties of Aberdeen, which, from an authentic document published by the trustees in 1817, showed the debts to amount to 230,000*l.* He wished here to correct an error into which the noble lord had fallen, in considering all that amount as a debt due by the town: —166,000 only had been expended on the improvements of the town; and 64,000*l.* had been lent to the harbour trustees, and to trustees for roads in the neighbourhood. It had been stated, that that money had been expended under the sanction of an act of parliament for improving the town; and that the magistrates had attempted a laudable work, although it had not turned out so very fortunate as had been expected. But what would the House think when they knew that an act had passed this House, in 1800, for the improvement of that city, empowering the magistrates, together with the members of the city and county, and some other official men, as trustees, to borrow 20,000*l.*, and then proceed with the work; to hold regular quarterly meetings; keep regular accounts of all those transactions, &c.? The inhabitants had, at a public meeting, certainly agreed to the plan and estimate of Mr. Abercrombie, amounting to 37,000*l.*; and on the faith of these did they give their sanction, and the improvements were undertaken accordingly.—It was notorious, and the subject of just complaint, by the people of Aberdeen, that none of the provisions of that act had been attended to by the magistrates; and such had been the system of secrecy and concealment, almost incredible, that a debt of 230,000*l.* had been incurred in 17 years, without the knowledge of the town, and even without the knowledge, to the full extent, of some members of the council! publicity had been given by the magistrates only when they could no longer support their credit; they then became bankrupts, as the noble lord has stated, and delivered over their property to trustees for their creditors.—If that act, equivalent to a *cessio bonorum*, did not prove the act of bankruptcy, objected to by the learned lord, he did not know what would prove it? He could not state that any private peculation had existed, although some extraordinary transactions had taken place; but, in support of the charge made by the noble lord, and denied by the learned lord, that forged minutes, or irregular entries, had been made in the books of the council, he could state one fact, on the authority of the gentleman himself who was a member of council in 1811, but who was too independent to be continued in council by them, and who is ready to verify it on oath: a minute of council recorded a resolution to borrow 10,000*l.* at one term, and his name is entered as present and consenting, although he never heard the subject of borrowing money mentioned at the council; and only discovered the transaction by looking over the minutes some time

after. If that was not falsifying of minutes, he knew not what was. It is still more strange, that, although the whole of the 230,000*l.* was borrowed by the city treasurer, by order and authority of the magistrates, and 57,000*l.* of that sum to pay interest, there is not one entry of receipt or payment in any of his city accounts; nor were any of the sums of receipt and disbursement laid before the burgesses at the annual head court, when the accounts of the town ought to be exhibited.

No notice had been taken of the distress occasioned to the creditors (in number nearly 600) by the stoppage of the interest on their loans, or of the risk and loss the different charitable institutions in Aberdeen had suffered by the conduct of the magistrates; but, by a printed list published by the trustees, it appeared, that the funds of 52 charitable and public institutions had been lent to the magistrates, as trustees of the new streets—of which charities, the magistrates were, *ex officio*, sole guardians, to the amount of 75,000*l.*, and joint trustees for 10,700*l.* more! It has been stated (and he believed correctly) as a proof of what the magistrates would have done with any public charitable property in their power, to prop up their credit a little longer, that the estate of Towie, belonging jointly to Gordon's hospital and the infirmary, was valued at 60,000*l.*, and would have been sold, if the managers of the infirmary would have concurred in the sale, but they would not! All these funds had been swallowed up and endangered by those whose duty it was to place them beyond the chance of loss. He had much satisfaction in being able to state to the House, that, by a late account of the trustees, the creditors were receiving 4 per cent for their debts; and that there was a fair prospect of the property being sufficient to pay the full interest, and perhaps to pay off all the principal, in the course of time. It was observed by many, however, that this favourable state of the finances was owing to the city property having been put under the management of trustees; and that the favourable hopes now held out would never have been realized, if the old rotten system of secrecy and concealment had been kept up in force.

The learned lord had asserted, that the lavish expenditure and misconduct of the late magistrates of Aberdeen had not been the cause of the election of 1817 being set aside; but he believed that the court of session had decided on the first charge, as to improper electors, and had not entered into the other complaints against the magistrates, one of which the learned lord certainly knew was their lavish and improper management of the city funds.—The noble lord had complained of two acts of the present magistracy, which he, in justice to them, should notice and explain. And, first, of their having deprived two old men of their pensions from the Guildry funds, because the burgesses had made use of their names to carry on the suit against the magistrates in the court of session. When it is known that, by law, no person can complain against an election of the council, except one of their own body, present at the election, it will be understood that the burgesses of Aberdeen made use of the names of these two old pensioners, who had been parties to the election, and had disapproved of it, to carry on the suit against the magistrates; and he must say, that, to have carried their revenge against these poor men, instead of the burgesses, who they knew were the pursuers, was not very creditable to the present magistrates. But he would read the explanation given by the magistrates themselves, in a letter from them, that the House might judge of the transaction:—"With regard to the two old gentlemen alluded to, as having been deprived of their usual supply, they are the two individuals who thought proper to raise the late vexatious, and (as the result has shown) ill-advised proceedings before the court of session, for reducing the last election, under the warrant of the prince regent. It naturally occurred, that if these gentlemen could afford to institute such proceedings, they were very unfit objects of public charity. Their pensions were therefore suspended, until they should show that they stand in need of them; and if they can do this, they will instantly be replaced."—With respect to the assessment for the new gaol, he believed the magistrates meant nothing improper; and that the transaction had been satisfactorily explained to the joint committees of burgesses and county heritors.

The learned lord had declared, that whilst the statutes of George 2nd pointed out the means of reducing a magistracy for improper election and misconduct, they also gave to the Crown a discretion how to re-elect the magistracy; and that

he, as the official adviser of the Crown, was ready to explain and to defend the reasons why the burghs of Montrose and Aberdeen had received different warrants. The learned lord had declared the principle on which he acted, that when no fault or gross illegality took place on the part of the magistracy, he would recommend the old council a warrant to re-elect their successors; but when any gross illegality, bribery, or corruption, took place in the magistracy, he would recommend, as a punishment to the old council, a warrant to the burgesses to elect a new council by poll warrant! That he had done so in the cases of Montrose and Aberdeen; and the warrants had been issued accordingly by the privy council.—He earnestly requested the attention of the House to the cases of Montrose and of Aberdeen, as he must altogether deny the just application of these principles by the learned lord, in recommending the warrants of elections to these places. The magistrates of Aberdeen, by a long course of mismanagement and secrecy, had brought the finances of the city into the greatest distress, and had recorded the evils arising from their own management, and from the system under which they acted, in such a light, that a quorum of the new council could not be found to accept office. The burgesses and inhabitants had challenged the mode of election, and loudly complained against them, as unworthy of confidence and of office; and the election had been set aside by the court of session as illegal. The council of Montrose, at the election in 1816, agreed unanimously to elect their magistrates by ballot, each member putting in a black or white bean, expressive of his assent or dissent, instead of voting by open voice; and as the election turned out against the wishes of one party, that mode of election was challenged before the court of session, and also set aside as illegal; but there was no charge whatever of extravagant waste of public property, or any other improper proceedings, against the magistrates of Montrose. The learned lord had accused the council of Montrose of gross illegality, and had stated that his majesty's ministers had punished them for their misconduct, by a poll warrant; whilst the magistrates of Aberdeen had only been guilty of a trivial fault; and had, therefore, received a warrant to reassemble and elect a new council!!

The opinion of the learned lord and solicitor general to the privy council, in the case of Montrose, was as follows:— "That it would be for the benefit, good order, and government of this burgh, in time to come, that his majesty be graciously pleased, in so far, to alter the set or constitution:" and they proceed, "that it would be of public utility, and for the good of the burgh, to grant the prayer of the above-recited petition, &c." "And we humbly propose, that his majesty may be graciously pleased to restore his ancient burgh of Montrose to its franchise, magistrates, and council, and to make an order in council, that the guild-brethren shall meet, &c." It ought to be observed, that the same reasons are assigned in the warrants of the privy council to Montrose and to Aberdeen, viz. "for restoring the peace and good government of the said burgh," but by very different means certainly!! The burgesses of Montrose were authorised to meet, agreeably to their ancient franchises, and elect those men as magistrates, in whom they could repose confidence for the good government of the burgh. The burgesses of Aberdeen were refused these rights and franchises, and authority was given to those men, who had recorded their own conviction of the rottenness of the system, to meet and re-elect their successors!! He submitted to the House, whether that was a proper exercise of that wisdom and discretion which the learned lord claimed for himself and his majesty's privy council; and whether the peace and good government of Aberdeen was consulted in forcing upon the city, men as magistrates, who had lost the confidence and respect of the burgesses and inhabitants?—As to the case of Aberdeen of 1746, cited as a precedent, when the old council met, by warrant from the Crown, to elect a new council, it was not under similar circumstances, and could not apply. The magistrates had been prevented, by the rebels being in possession of the city, from completing the annual election, and were afterwards, on petition from the governors of the city (who had been appointed, ad interim, by the duke of Cumberland), and not opposed by the burgesses, ordered to meet and complete the election, as if they had not been prevented by the rebels.

The learned lord entered largely into the question of legality, which it had been the express desire of the noble lord to avoid, for the present; and, he must

confess, that the explanation by the learned lord of the laws on that subject, appeared to him as extraordinary as he believed, it would be found to be erroneous. He would endeavour, though not a lawyer, to point out some of the errors into which he had apprehended the learned lord had fallen.—The learned lord had broadly asserted that the right of electing magistrates and council of the royal burghs, before the act of 1469, did not exist in the burgesses and community, and had stated that the opinions on that subject were founded in gross ignorance; that it was a delusion into which the people had been led by the opinions which had been previously published; and, particularly of late, in the case now before him of Inverness, by some professional gentlemen at Edinburgh, Messrs Clerk, Cranstoun, Jeffrey, and Moncrieff, who, on all occasions, intruded their opinion of Scotch laws on the public. The learned lord had declared these opinions to be founded on gross and palpable ignorance; and yet had admitted, that the gentlemen who had given these opinions, were of the highest legal character at the Scotch bar. Although unacquainted with these learned men, he had every reason to believe that their knowledge of the law was not considered, by those competent to judge, inferior to that of the learned lord; and he, therefore, thought an opinion so decided, and in such strong language, might have been spared;—other authorities had been adverted to, but he thought they were against the learned lord's opinion. Whether the English explanation by Brady, of the Latin words of the *leges burgorum* was correct or not, as to the *probi homines villæ*, he would not now say; but the words of the statutes of the Guild, c. 33 and 34, "We statute that the mair and baillies sall be chosen by the sicht and consideration of the community,"—seemed to show the right the community had in the election. The authority of Mr. Wight, and others, may, with fairness, be offered as a counterpoise to the sweeping condemnatory opinion of the learned lord: Indeed, the act of 1469, which the learned lord thinks by its preamble, establishes the fact of self-election before that time, is, by every other person, considered a direct proof that, up to that period, the election of the councils was in the burgesses and community. The words of the statute are "Because of great contention zeirly for the chusing of the samin, throw multitude and clamour of commone simple persones," it is enacted that the election shall be yearly, and that the old council shall elect the new.

The learned lord has asserted, that before the year 1469, the magistrates were often chosen for life, and has read an act of the Aberdeen council of 1591, to prove that fact.* How the practice at that time (1591) as to the election of the council in Aberdeen, could show what the practice had been in the burghs in general, before the act of 1469, he had been utterly at a loss to understand. It was gross inconsistency, and he called upon the learned lord to explain it. He contended that the sound explanation of the law was, that, previous to 1469, the burgesses and community had the right of electing the officers and council of the burghs; and that that act took away the right, and gave it to the old council to elect the new. But there was nothing in that act which showed that, on the lapse of the magistracy, by non-election, or otherwise, the burgesses were not to exercise their original constitutional right of chusing a new council by poll election. Unless the 7th and 16th of Geo. 2nd sanctioned that principle, they meant nothing—they were a dead letter. He must contend, that they virtually recognised the right of election to be vested in the burgesses at large, on all such cases of emergency, as the only means of electing proper counsellors, in the room of those dismissed by the court. He could not suppose the anxious provisions of those statutes were intended to be a nullity, which the interpretation of the learned lord would make them [Hear].

The learned lord had stated, that no complaint had been made against the act of 1469, at the Revolution, or any attempt made to repeal it. It might be so, but he must beg the attention of the House to the fact, that one of the grievances in the claim of rights, to William and Mary, on the 11th April, 1689, was the subverting, by the abdicated family, "the right of the royal burghs to elect their own magistracy and council;" and by the 22nd act of the estates of Scotland, dated 18th

* The acts of the Aberdeen council, which are extant prior to 1469, show most distinctly that the right of election was in, and was exercised by the burgesses.

April, 1689, it appears what these rights were as they gave to the burgesses "Order and warrant for new election of the magistrates by poll." The people of Aberdeen, and the other burghs in Scotland, ask no more than the estates declared to be the rights of the burghs; and, in comformity to which, almost all the burghs between 1689, and 1706, did elect their magistrates and council by poll election.

The statutes of 1706, c. 7 in the 21st article of Union, declare "That the rights and privileges of the royal burghs of Scotland, as they now are, do remain entire after the union, and notwithstanding thereof." Let us, therefore, examine what the practice has been, on that principle, in these cases of lapsed magistracy, from the union, to the year 1817, and it will be found to have been entirely in support of that right the burgesses were declared to have, which they did exercise, and which they, the burgesses, had claimed, in the case of Aberdeen, to exercise. The learned lord has stated that the practice had been altogether against that right of the burgesses, but he denied the fact, and the cases stated by the learned lord in support of his assertion, he was prepared to contend, have been mis-stated and misapplied. Within 110 years, the magistrates of 30 burghs have ceased to have the power of electing their successors, either through the interruption of rebels, or from the elections having been set aside by the court of session, for misconduct or irregularity in the elections. In 25 of these, the Crown had granted warrants to the burgesses and inhabitants to elect new councils by poll election; and in five, the old councils to elect the new. The learned lord had argued, that because the warrants in 8 cases were addressed to the burgesses only, and 16 to the burgesses and inhabitants, that practice was a proof that the burgesses had not the right of election, and that the participation of the inhabitants was an injury to the burgesses. But he would submit to the House, how that extension of franchise could in any way be brought, as the learned lord had done, to support his position, that the burgesses had not the right to elect the new council. For his own part, he thought that kind of reasoning and the objections altogether untenable.

The learned lord had laid great stress on the case of Dysart, in October 1690, as an instance of the power which the Crown had to grant a warrant to the burgesses, provided there are not a sufficient number of the old council to make the election: the expressions of the warrant are very doubtful, but he would ask what was the number of counsellors sufficient to meet and choose the new council because the warrant of the Crown, if the power claimed by the learned lord is admitted, may as well authorize one or two, or more, in or out of council, to meet and choose the new council.—And, in that case, he would ask, what would be the difference between the power thus exercised, and what the claim of grievances stated the Stuart family to have exercised before the Revolution? He could see none.—The result, therefore, must give the correct explanation, for, in that very case of Dysart, the new council was elected by poll election [Hear!]. The case of Montrose, in 1746, had been also stated, and the opinions of the law officers at the time, had been quoted by the learned lord, to support his claim of right in the Crown, to authorize the old council to elect the new; but he must take the liberty to state, that the case of Montrose, and that of Brechin at the same time, are the strongest proofs that can be brought against him.

In all the 30 cases from the union to 1817, there had been only one case where an election by poll warrant had been refused, on the petition of the burgesses; and that was the case of Perth, in 1716, which had been considered irregular by all the judges, and as an exception it proved strongly the general rule and right of the burgesses. And he believed the learned lord could scarcely produce the opinion of any respectable law authority in support of the conduct of the Crown in that case. The 5 cases of exception, where, in the last 110 years, a warrant had been granted to the old council to elect the new, were Perth, and Aberdeen, in 1715-16, and Montrose, Perth, and Aberdeen, in 1746. All those towns had been occupied by the rebels on the day of election, and on the petition of the old council alone (except in the case of Perth already mentioned), the warrants had been granted to the old council. The mode of election by the warrant to the old council of Montrose in 1746, had been questioned in the court of session, and held good, though the judges from the bench declared the principle of the

*

Crown issuing warrants to the old council to be irregular. Lord Arniston (afterwards lord president) declared it was illegal, and that the Crown had no such power.

The opinion of the law officers at the time, and the effect on their proceedings, may be best known by the case of Brechin, where the magistrates and council of that city had been interrupted on the day of election by the rebels; and the privy council had granted them a warrant to elect their successors in June 1746: but the election had not taken place, when the court of session, on the 23rd January, 1747, expressed their opinions so decidedly on the case of Montrose. The consequence was, that a new warrant was granted by the privy council to the merchants and burgesses of Brechin, to elect the new magistrates and council by poll, which they did in June, 1747. Can any man doubt that the change of the warrant for Brechin, to poll election, was the result of a conviction in the Crown lawyers, and in the privy council, that the one granted to the old council was illegal and improper? For 70 years (from that time to the case of Aberdeen), all the burghs, whose magistracy had lapsed, have had warrants granted to the burgesses, for the poll election of their magistrates, until the learned lord gave a new interpretation to the law in the case of Aberdeen. He therefore contended, that in point of legality, of practice, and of expediency, the learned lord and his majesty's ministers were in error, in their conduct towards the burgesses of Aberdeen, to whom, in his opinion, an act of gross illegality and injustice had been done [Hear, hear!]

Why did not ministers, in the exercise of justice, and a sound discretion, grant a poll election to Aberdeen? The case of Montrose, which, by this means, had been freed from their political influence, an influence which the noble lord had very truly stated to have held Scotland 25 years in fetters had terrified them. They saw they were losing their influence by allowing the people to judge for themselves; and, therefore, determined to stop, however unjust, arbitrary, or illegal, that proceeding might be.—They did not like the experiment. By the advice of that learned lord, Montrose had obtained a poll election, and they were thankful for their franchises so granted;—by the advice of the learned lord, Aberdeen had been refused a poll election, and had been delivered over to the government of the same men who had before shown themselves so incapable of conducting the affairs of the town, and to the great dissatisfaction and disgust of the inhabitants.—He could not avoid stating a circumstance respecting the conduct of the learned lord, which had been communicated to him, and which he believed to be correct; but, if not so, the learned lord would correct him. The old council of Aberdeen, soon after the election of the magistracy had been set aside by the court of session, again wished to have their authority re-established, and applied to the learned lord for his advice, how they should proceed to obtain it.—The learned lord, if his (Mr. Hume's) information was correct, stated that he could not, as lord advocate, give an official opinion; but that he would, as a lawyer, advise them (and for which opinion he took a regular fee), "That a petition from themselves would not do, but advised them strenuously to obtain the signatures of as many respectable burgesses and traders as they possibly could, along with their own petition, when he had no doubt they would be favourably received." That advice had been followed by the old council, who exerted all their influence to obtain signatures to a petition in their favour; but, in a population of 30,000 souls, they could only obtain 45 individuals who would sign, and these, a list of whom he held in his hand, are all, with scarcely an exception, the partners, relatives, dependents of the old council [Hear!]! So generally were the old council objected to by those who best knew them, that no greater number than 45 would sign; whilst upwards of 1400 burgesses, trades, &c. signed a petition to the Prince Regent, praying that he would grant a warrant for them to elect a new council, of men in whom they could confide the government of the city, and re-establish that peace and confidence between the magistrates and inhabitants, which were necessary for the welfare of the city, but which had been completely lost under the old magistrates.

The House will scarcely believe that his majesty's government, instead of attending to the almost universal prayer of the people of Aberdeen, to have a poll election; granted, on the petition of the old council and their dependant 45, a warrant for the old to elect the new coun-

cil. He asked, if that was a sound and wise exercise of that discretion which the learned lord claimed for his majesty's government? Was that the means of restoring confidence, and promoting peace and good government in Aberdeen, as it was the bounden duty of the government to attend to [Hear, hear!]?

It was a sacrifice of the best interests of that large community, by his majesty's ministers, to retain their political influence, which they were afraid would be lost; and it showed in a great degree the disposition of his majesty's government to exercise arbitrary and despotic power, to answer their purposes, by however injurious and cruel measures that might be obtained.—He had no hesitation in declaring it illegal, arbitrary, and unjust, and thought it behoved this House to afford redress to the people of Aberdeen, to watch that disposition in the government, to arbitrary and unconstitutional power at the expense of the rights and welfare of the people. He would not trespass longer on the time of the House; thanking them for their indulgence, he would sit down in the hopes that the motion would be agreed to by the House [Hear, hear].

The *Lord Advocate* denied that he had interfered in the case alluded to, and assured the hon. member, that wherever he gained his information, it was false and unfounded.

Mr. *Hume* appealed to the House, whether they would sanction the application of such terms as false and unfounded to him.

The *Lord Advocate* denied having so applied them.

Mr. *James Fergusson* bore the highest testimony to the character and honour of the magistrates of Aberdeen.

Mr. *Forbes* said, that he should have refrained from offering himself to the attention of the House upon the present occasion, had he not thought himself compelled to contradict some of the bold assertions of the noble lord who had originated this motion. When he heard such unfounded declarations made against a public body, nothing on earth should prevent him from speaking. He wished particularly to call the attention of the House to the observations of the noble lord, with respect to the finances of the town of Aberdeen. It had been stated, that the town had been declared a bankrupt to the extent of 230,000*l.* This had, in some measure, been explained by the hon. member opposite; but the fact was, that the sum expended upon the streets and the harbour, only amounted to 208,000*l.*; the sum of 166,000*l.* being expended upon the streets, and 42,000*l.* upon the harbour. The commerce of the town had very considerably increased. In the year 1810, the tonnage of the port was only 16,000 tons, while it now amounted to 40,000 tons. With regard to the debts of the town, he asserted, that the creditors now received 4 per cent for their money, and would shortly receive 5; but, in the mean time, not a single charitable institution lost a shilling, nor would the creditors eventually lose one farthing of their just debts. He lamented that charges of forgery and fraud should be brought against public bodies, or individuals, without sufficient grounds; and, after paying a compliment to the integrity and virtues of the present magistrates of Aberdeen, he expressed his determination of placing himself in opposition to accusations of such a nature. He hoped the noble lord opposite would move for the appointment of a select committee, to inquire into the conduct of those magistrates, and the general government of the burgh.

Sir *George Clerk* hoped the explanations given by the hon. member who had just set down, would have the effect of relieving the much-injured magistrates of Aberdeen from the gross misrepresentations which had been affixed to their character. He remarked, that the question of parliamentary reform had been most improperly involved in the subject now before the House; but the proper question was one relating solely to the burgh government of Scotland, which must necessarily be determined by reference to legal decisions. On this point, the learned lord advocate had exhausted the subject. Had honourable members read the former report of the committee of that House on this subject, it would be found, that the right of election had never been vested in the burgesses, and that the council had always, previous to the Union, been appointed for life. He then took a review of the cases decided on this point, and attempted to prove, by reference to these, that the uniform practice and principle had been as he had stated them. With reference either to the decisions of law, to constant practice, or to the discretionary exercise of the prerogative of the crown,

the noble lord had laid down no case to justify the House in acceding to his motion.

Mr. *Maxwell* maintained, that the warrant passed, in the case of the burgh of Aberdeen, was illegal, and thought it scarcely probable that the lord advocate, who perhaps never was in Aberdeen, and his majesty's council, who knew nothing about it, could be better qualified to determine what was good for the people, than the people were themselves. He warned the House against abandoning an important town like Aberdeen to the management of those who had already injured it. Its population did not consist of a lawless mob, but of one of the most religious, moral, and loyal classes of people in the kingdom. The object sought for by them was not a wild reform, but the establishment of such a form of government as was alone capable of preserving the property of the burgh from being wantonly dissipated.

Mr. *Wilberforce* hoped, in a matter of such deep interest, the House would not think of stifling the subject, but would suffer investigation to proceed to the utmost limits. A statement had been made, of which he saw no reason to doubt the authenticity, that the system hitherto pursued was calculated to destroy the best interests of the great town of Aberdeen, that the practice of electing magistrates was unsupported by any legal authority; and that the general system was fraught with dangers to the property of the burgh. These points had not been denied, and they undoubtedly were of a nature that demanded inquiry. Had such practices taken place in England, as were shown to have happened in the Scottish burgh, what would the House have thought of it? On such a subject, the English members were, perhaps, better calculated to decide than those immediately concerned; they should therefore bring, to the consideration of the subject, their cool judgment, and protect the people of Scotland from gross abuse.

Mr. *Finlay* said, that when a particular case like the present occurred, the House was called upon to interpose. The learned lord had made a long speech upon the law, but he had not touched the facts; and if he had proved that a practice existed, he had failed to show that it ought to exist. In fact, no man but the learned lord would have undertaken, in such unqualified terms, to defend the system of the Scotch burghs. He had shown an utter ignorance of all the particulars of the case; and if his law was as bad as his facts were defective, his case had not a leg to stand upon.

Lord *Castlereagh* said, he would not have risen, but for the sentiments just delivered. He was quite willing to rest the whole case upon the admirable and lucid speech of his learned friend [a laugh]. That speech had been treated by the other side of the House, in a manner which sufficiently proved, that they were incompetent to reply to it. The great defect of the speeches on the other side was, that they assumed the whole case; for no one act of criminality had been established against the burgh of Aberdeen. All that the magistrates had done was for the improvement of the town, and there was not even an allegation of mal-administration. It was not just, because they had borrowed money of public charities, which had been freely lent, and the interest upon which had been regularly paid, to brand the whole body with fraud and malversation. It was quite obvious, that the object of the motion was exactly what it was so strenuously contended not to be. The noble mover had done his utmost to persuade the House, that he asked very little, that his motion was one that none could refuse; but, in fact, it was nothing else than to introduce into Scotland a parliamentary reform, which the other side of the House could not obtain for England. The disguise was too thin to cover the real purpose, however artfully the noble lord might have enveloped his motion in it. For his own part, he was decidedly of opinion, that after the act of union, the House had no jurisdiction to interpose, and whatever objections might now be made to the system of election, it was obvious, that the same opinion did not prevail in the reign of queen Anne; for one of the ancestors of the noble lord had himself brought forward a motion in the Scotch parliament, expressive of the highest approbation. Setting aside this point, however, no case for inquiry or interference had been established. Assertions might be very serviceable, especially if they were sufficiently bold; and it might be very convenient to some gentlemen to obtain a whig, instead of a tory magistracy; but it became the House to be cautious how it listened to such statements. Another reason for not complying with the motion, therefore, was, that if

the crown ought, in this instance, to take upon itself to give directions for disfranchisment, no case could occur, however trifling, where the same claim might not be made, backed by this precedent. Upon the whole, therefore, he was satisfied that the House would do wisely in rejecting the proposition.

Lord *A. Hamilton*, in reply, complained of the unfairness with which he was treated by the noble lord who spoke last, and by the new lord of the Admiralty (sir G. Clerk.) The noble lord had charged him with introducing the question of parliamentary reform in disguise, though he had disclaimed such an intention, and would finally declare, that he disclaimed any such hypocritical conduct. He was not ashamed nor afraid to give his opinions upon parliamentary reform, whenever that subject was before the House, and least of all parliamentary reform as applicable to Scotland. And the new lord of the Admiralty, the new pupil in that new seminary of statesmen, had ventured to discredit, though not to contradict, his statement of this fact of a part of the debt of Aberdeen having been contracted under the sanction of forged or fraudulent minutes; but he still maintained that his statement was correct, and he would prove it to be so, if necessary, by depositions on oath, either before a committee, or at the bar of that House; and therefore, notwithstanding all that had been said, he would re-assert all his former positions, as he maintained that up to that moment they had received no contradiction. The noble lord had stated that the charities received 4 per cent, and that therefore they were not defrauded. They had contracted to receive 5 per cent for their money; but to whom was it owing that they received even what they did? Not to the self-elected magistrates, but to the trustees. He concluded by putting it to the House, whether they would continue in the Scots burghs the system under which the city of Aberdeen had been ruined, or deliver it over to a set of gentlemen, who, notwithstanding all the learned lord had said, were well qualified to elect their own magistrates, the burgesses of Scotland.

The House divided: Ayes, 105; Noes, 110: Majority against the motion, 5.

Considerable cheering followed the announcement of the numbers from the opposition side of the House.

Lord A. Hamilton said, that as the House seemed so nearly balanced in opinion on the question which he had brought before them, he should bring forward his motion for the opinion of the law officers of the Crown after the holidays.

List of the Minority.

Abercromby, hon. J.
Allen, J. H.
Althorp, lord
Anson, sir G.
Bankes, H.
Bernard, lord
Barnett, James
Bentinck, lord W.
Bernal, Ralph
Bennet, hon. H. G.
Brand, hon. T.
Browne, D.
Brougham, H.
Calcraft, John
Calvert, C.
Campbell, hon. J.
Clifton, lord
Colburne, N. R.
Colclough, C.
Crompton, Sam.
Davies, T. H.
De Crespigny, sir W.
Denison, Wm.
Douglas, hon. F.
Duncannon, lord
Dundas, hon. L.
Dundas, hon. G.
Dundas, C.
Dundas, T,
Ebrington, visct.
Ellice, Edward
Euston, earl of
Fazakerley, Nic.
Fergusson, sir R. C.
Finlay, K.
Fitzgerald, lord W.
Fleming, J.
Folkestone, lord
Grant, J. P.
Gordon, R.
Graham, J. R. G.
Grenfell, Pascoe
Griffiths, J. W.
Gurney, R. H.
Heygate, ald.
Hornby, Ed.
Howard, hon. W.
Howorth, H.
Hurst, Robt.
Kennedy, T. F.
Lamb, hon. G.
Lambton, J. G.
Lloyd, sir E.
Lloyd, J. M.
Maule, hon. W.
Macleod, Roderick
Macdonald, James
Mackintosh, sir J.
Maitland, J. B.
Martin, J.
Maxwell, John
Milbank, Mark
Merest, J. W. D.
Mildmay, P. St. J.
Monck, sir C.
Morpeth, lord
Newport, sir John
Nugent, lord
Ord, W.
Osborne, lord F.
Palmer, C. F.
Pares, Thos.
Pelham, hon. G.
Phillimore, Jos.
Philips, G.
Ponsonby, hon. F. C.
Powlett, hon. W.
Ricardo, D.
Ramsden, J. C.
Robarts, W. T.
Robarts, A.
Rowley, sir W.
Russell, lord G. W.
Russell, lord John
Rumbold, C. E.
Sebright, sir John
Sefton, earl of
Sinclair, George
Smith, J.
Smith, Wm.
Smith, hon. R.
Stuart, lord J.
Stuart, Wm.
Stanley, lord
Tavistock, marq.
Tierney, right hon. G
Walpole, hon. Geo.
Waithman, ald,
Wilberforce, W.
Whitbread, W. H.
Wilkins, W.
Williams, W.
Wilson, sir Robt.
Wood, alderman
Wynn, C. W.

TELLERS.

Hamilton, lord A.
Hume, Joseph

PAIRED OFF.

Aubrey, sir J.
Birch, Jos.
Buxton, T. F.
Fitzgerald, M.
Harvey, D. W.
Lamb, hon. W.
Latouche, John
Latouche, R.
Maberly, John
North, Dudley

Philips, G. R.	Temple, earl
Piggott, sir A.	Taylor, M. A.
Ridley, sir M. W.	Western, C. C.
Stewart, Wm.	Wynn, sir W. W.

HOUSE OF COMMONS.

Friday, April 2.

Borough of Ilchester.] Mr. *Bennet* said, he held in his hand, a petition to which he begged leave to call the attention of the House. It was signed by the rector, the church-wardens, by the overseers of the poor, and a number of other respectable inhabitants of Ilchester. The series of grievances detailed in the petition were, he believed, founded in fact. Ilchester, as was well known, returned two members to parliament. It was patronized, and, if he might say so, it was the property of a particular individual (sir William Manners.) After the last election, a number of houses in the town were pulled down by the proprietor. The consequence of this was, upwards of a hundred families were forced out of the houses which they occupied, and placed in a species of poor-house, hired by the town from the same individual. About eighteen or twenty of those who were so turned out, were paupers, the rest were persons who earned their livelihood. But notice was given by that individual, that, in consequence of the continued political dissentions which prevailed in the town, he was resolved to take from them the house in question, so that those poor persons whose houses had been pulled down, were deprived of this last resource of a poor-house. They were accordingly all turned out: 163 men, women, and children, from one month old, to upwards of 80 years, were all turned out into the street, without knowing of a place to shelter themselves at a most inclement season of the year [Hear, hear!]. Some of them were able to get together some straw in the town-hall. Some of them betook themselves to the fields. Among the people so turned out, there were several pregnant women, and one woman daily expected the pangs of child-birth. It was stated that a mode, which in other cases had sometimes been resorted to, was here adopted for driving the people out of their houses. The upper stories were filled with dung, which, by oozing through the floors, rendered the lower parts uninhabitable. With respect to the petition, it was quite clear that this was a very great grievance. As to these 163 individuals, whether they had any legal remedy or not, he knew not. The petitioners, however, naturally looked to the House for protection. His intention at one time was to move that it be referred to the committee on the poor-laws. Indeed, he hardly well knew what course to pursue. He trusted the House would not refuse that inquiry into the case, which the petitioners wished for.

Mr. *Merest* said, he hoped the House would consider the delicate situation in which he stood as member for Ilchester. As member for that borough, it was his duty to present any petition from his constituents; but as the individual alluded to, had questioned his election for the borough, he felt a delicacy in presenting a petition reflecting on his conduct, and had therefore declined to present the petition. At the same time, he could bear testimony not only to the great respectability of the petitioners, but to the truth of every allegation contained in the petition. If cruelties, like those complained of, were tolerated in this country, he knew not what acts might not be committed.

Mr. *Wynn* said, he knew not what the House could do in this case. It was a case on which the House could not enter. The charges in the petition highly affected the moral character of the individual against whom they were made. Yet still there was nothing in them illegal; for a man could do what he pleased with his own property. If the House could not afford relief in such cases, he did not see how they could receive any petition; for if they received it, he knew not where they were to stop. Supposing any great proprietor in this metropolis, lord Grosvenor or the duke of Bedford, for instance, who had a number of tenants from year to year, gave notice to all these tenants to remove, as they preferred to have large streets—this measure might be extremely oppressive to a number of individuals; but still he did not see how the House could afford redress.

Mr. *Dickinson*, said he happened a few days ago to see some gentlemen from the neighbourhood of Ilchester, who confirmed to him the reports of what had taken place there. He could hardly believe at first in the possibility. It was, however, but justice to say, that before the severe process was resorted to, the individuals forced out of their houses had had regular

notice to quit them. When the people were turned out, the neighbouring magistrates did all that they could do on the occasion. They ordered each man and woman to receive 1*s.* and to have their lodging paid. But the town of Ilchester was so situated, unfortunately, that no lodging could be found for them. They were therefore obliged to betake themselves to the neighbouring villages.

Lord *Castlereagh* said, that whatever powers parliament might possess, they were in no degree applicable to the case in question. As the hon. gentleman had not stated a ground for the interference of the House, and as there could be no expectation of any remedy from the House, he suggested the propriety of withdrawing the petition. The case was one which excited a strong degree of commiseration for the sufferers; but the House as a body, could not act on a principle of humanity alone.

Sir *J. Newport* thought that ordering this petition to be printed, and entering the proceeding on the journals would be a species of exposure and publicity which might produce a salutary effect on the individual concerned.

Mr. Bennet then withdrew the petition.

PETITION OF GENERAL GOURGAUD COMPLAINING OF HIS ARREST UNDER THE ALIEN ACT.] Mr. *Lambton* said, in rising to present the petition of which he had given notice, from general Gourgaud, he begged leave to state, that he was personally unacquainted with that individual. He presented it in compliance with the request of a distinguished foreigner who resided in this country, and who was a friend of general Gourgaud. He was discharging a duty incumbent on every member of parliament, in now presenting this petition to the House, relating as it did to the execution of the Alien act of last year—an act which still remained on the statute book, a shameful memorial of their departure from the old English principles, which so long governed the proceedings of this country towards foreigners. He should have felt some distrust in presenting a petition of this nature to the last parliament, but he was encouraged to present it to the present House of Commons, from the feeling which he had witnessed in it. He trusted at least that the House would consent to a deliberate investigation of the subject matter of any petition, complaining of illegal and unwarrantable oppression on the part of government, whether that oppression was exercised towards a foreigner or a native of our own country. General Gourgaud complained in this petition of a gross violation of a provision in the Alien act, allowing the individuals ordered in virtue of that act to leave the country, a power of appealing to the privy council; and he also complained of a proceeding on the part of government equally unjustifiable, namely, the seizure of his papers and other effects, a proceeding equally unauthorized by the Alien act. The petition also accused the persons who acted under the secretary of state for the home department, of most unjustifiable cruelties and personal barbarities inflicted by them on general Gourgaud, and which, if true, reflected the greatest disgrace on that officer, who was entrusted with the execution of the warrant. He fervently hoped that these barbarities might be disproved to the honour of the country, and that it might not be said that the government added insult to oppression, and wantonly outraged the feelings of a defenceless foreigner in their power.—He would proceed as shortly as possible, to detail to the House the statement of the case of general Gourgaud. He prayed to be allowed an opportunity of substantiating by proof the statements contained in his petition. The petition stated, that on the 14th of November, 1818, seven or eight men, armed with pistols and bludgeons, rushed into his room when he was ill in bed. Mr. Benjamin Capper, of the alien office, who was at the head of them, ordered him to get up, telling him that lord Sidmouth wanted to see him. General Gourgaud signified his acquiescence, but wished them to retire while he dressed himself. The men then proceeded to open the drawers of his bureau, on which the general wished to know the authority for this step. Mr. B. Capper then showed him the warrant of lord Sidmouth. General G. said, that though this warrant required him to leave the kingdom, it did not authorize them to seize his papers and effects. He begged them to consider his situation; that he was unwell, alone, and without a servant—and he wished a few hours merely to enable him to arrange his affairs, and to see a friend to deliver over his property to his care. Mr. Capper replied, that if he did not rise instantly he would take him naked as he was, and as a proof of this immediately took hold of the bed-

clothes with much force. General G. protested against this act of violence, and asked to be carried before the privy council or lord Sidmouth, and he proceeded to dress himself. Some conversation then took place as to what part of the continent the petitioner was to be carried to. On his going into the sitting room he was surrounded by these men who held pistols to his breast. To prove to them that he had no intention of resisting, he pointed out to them another pair of pistols in a closet, which they took. They had before seized his portfolio, and it was with great exertion that he succeeded in putting some papers in the portfolio, which he locked in spite of Mr. Capper who wished that it should be open. Gen. G. declared his willingness to submit them to lord Sidmouth's examination, but refused to leave them open to the examination, or liable to have others substituted to them, by the men by whom he was surrounded, and wished therefore to seal them up. This so enraged Mr. Capper, that he endeavoured to snatch the sealing wax out of the general's hands, but he was not able to do so till he had succeeded in sealing the cover. Two of the men then seized him by his throat, while the rest struck him on the head with their bludgeons, and took possession of all his effects. General G. then cried out 'murder,' an apprehension which their conduct might naturally lead him to entertain. They dragged him out of the room, striking him with their sticks, and the butt end of their pistols, attempted to force a handkerchief into his mouth, and hurried him into a carriage at the door. General G. demanded to be taken before a magistrate, that he might have justice, but in vain. Mr. Capper told the crowd assembled round the carriage, that he was a madman, a criminal, guilty of high treason, and even threatened to fire on any one who dared to interfere. In forcing him into the carriage, they nearly broke his leg, by violently closing the door upon it whilst hanging out. The pain was so great that he fell exhausted on the floor of the carriage, upon which Mr. Capper and his men jumped in, kept general G. down under their feet, and drove off at full gallop. They then conducted the general to Mr. Capper's house, near Westminster bridge. He stated the means adopted by Mr. Capper to induce him to give them an order to take possession of his property that had been left in his lodgings, but he refused, saying, if Mr. Capper and his men had any right, in the first instance, to act as they did, by the same right they could return to take the rest. He (Mr. Lambton) could not, from his own knowledge, speak to the truth of the petition. There were some circumstances, which, if true, certainly formed a strong ground of charge against the government. He alluded more particularly to the refusal to consent to the demand to be carried before the privy council, and to the seizure of the papers and other property of general Gourgaud. To corroborate the truth of the charge that the general demanded to be taken before the privy council, he could refer to the testimony of a friend, who would state a conversation which he had with the general on this subject before the arrest, and he was ready to produce that gentleman at the bar of the House if requisite. With respect to this point general G. had made an affidavit, which he would read to the House:—

"I, the undersigned, make oath to God, and declare upon my honour, that when Mr. Capper, of the alien office, showed me on the 14th of November 1818, the order issued by lord Sidmouth, in virtue of the powers granted to his Britannic Majesty's ministers by the Alien bill, commanding me to leave the kingdom of Great Britain, I urgently demanded to be taken before the privy council, as the said Alien bill gave me the right to do, and that such my demand was refused; that I declared to the said Mr. Capper, that, by such refusal, he himself violated the Alien bill; that I begged him to take me at least before lord Sidmouth, or before some magistrate in London who could appreciate the justice of my demand; and that finally, all my entreaties being fruitless, I loudly protested against the violation of the British laws. I moreover declare, that at the time of the publication in the newspapers in October last, of the letter which I had sent to the empress Marie Louise, in August, having reason to fear that the Alien bill would be enforced against me with its utmost rigour, I did at that time, say October, consult several persons well versed in the English laws upon the subject, and that I knew perfectly well the resource which the Alien bill afforded to all foreigners expelled the kingdom, to be taken before the privy council, and that it was with the perfect conviction that I had that right, that I constantly demanded of Mr. Capper to be taken before the privy

council. Done at Hamburgh (signed) Le Gen. Gourgaud."

In this petition general Gourgaud described his journey to Harwich, and the insolent and contemptuous treatment he met with from the agents of lord Sidmouth. At eleven o'clock at night they arrived at Harwich. General G. being in a high fever, requested to retire to bed, but even this was denied him till his guards had supped. On the next day, the 15th Mr. Capper brought a magistrate. On his arrival general G. began the history of his wrongs, when the magistrate told him he had nothing to do but to address himself to Mr. Capper, who was the representative of lord Sidmouth. That person also refused to take charge of a letter from general G. to lord Sidmouth, and referred him again to Mr. Capper. On the same day Mr. Capper departed for London, and offered to bring general G. back some clothes, on receiving his authority to demand them. This authority he refused to give, but sent an open letter to his friend, count Forbin Janson, begging him to take possession of, and to seal up all his goods. On the 18th, Mr. Capper returned with the clothes, and an open letter from count Forbin Janson, stating that he had not been suffered to read the one general G. had sent to him. Mr. Capper then stated, that lord Sidmouth was in possession of his papers and effects, which completely prevented the possibility of his identifying himself on the continent. General G. again asked for lord Sidmouth's order and a certificate that his property was in his lordship's possession, but could obtain neither the one nor the other.—He should now proceed to read a letter addressed by general G. from Harwich to lord Sidmouth, complaining of the treatment he had experienced.

"Harwich, Nov. 18, 1818.—My lord; When I shall no longer be at the disposition of those persons who call themselves your lordship's agents, I shall do myself the honour of acquainting you with the manner in which I was treated by them, when on the 14th November instant, they took possession of my papers, effects, &c. in obedience, as they said, to the orders and instructions of your lordship, and carried me off from my lodgings, No. 7. Compton-street, to conduct me here. Now that I am on the point of embarking for Cuxhaven, I take the liberty of writing to you, merely to beg that you will allow the effects which have been taken from me to be restored to me; among which is my portfolio, which contains articles on which I set the highest value. It was taken from me by Mr. Capper of the Alien office, when I attempted to seal it up. This gentleman informs me, that it is at this time in your possession. Your lordship must have the goodness to remember, that I did not come to England by stealth; that during my stay in this country I have not committed any infringement on the laws, and you will pardon me for not being able to imagine the reason for my removal from a country where I have received hospitality. Am I accused? Am I deemed guilty? I beseech your lordship to allow me to appear before the courts of justice. To seize my papers, manuscripts and effects—my whole fortune, and to send me out of the kingdom, appears to me such an injustice, that I dare address myself to your lordship for reparation. I wrote, with the consent, and in the presence of Mr. Capper, to one of my friends in London, the count de Forbin Janson, to beg him to give me a regular account of the state of my trunks and effects left in my lodgings, to seal them up, and to deposit them in a place of safety. I hear that this part of my letter to my friend, the count, has not been communicated to him, and that he was not even allowed to see my letter, that he only knew what they were pleased to tell him, which makes me very apprehensive for the safety of my effects. Capper would not undertake to deliver the letter in question, till after having refused to take charge of another, wherein I recommended my property to men connected with the law. What am I to think of such conduct? I declare that I have never had (as many newspapers have said) the least idea of resisting the orders of your lordship for my quitting the kingdom; supposing even that I had the right, it would have been a great folly on my part; I was alone, undressed, without arms, and seized by seven or eight vigorous men. I did not call for help, till my intention of sealing my papers, having deranged Capper's plans, he seized my portfolio, while several of his companions seized me by the throat, and others endeavoured to stun me by beating me on the head. I continually asked to be carried either before your lordship, before a magistrate, or before the privy council, but I only received the most shameful

treatment in return. If your lordship thinks that the power granted to ministers by the Alien bill does not extend to the confiscation of the property of an unfortunate foreigner, who is driven out of the country, I have the honour to entreat you to allow me to return to London, to claim from the courts of justice the effects, papers, and manuscripts which have been taken from me, and in which, as I have already said, my whole fortune consists; or to allow me to be brought to trial if I am accused. I have the honour to be, &c. General Gourgaud."

The answer to this letter was dated, "Whitehall, 24th November, 1818.—Sir; I am directed by lord Sidmouth to acknowledge the receipt of a letter, addressed by you to his lordship from Harwich, on the 18th instant, and to acquaint you, that his lordship has given directions that your portfolio, and all the other articles alluded to in your letter, shall be transmitted to Mr. Dutton, post-office agent in Cuxhaven, for the purpose of being delivered to you. I am, &c.

"H. Hobhouse."

To this general Gourgaud replied to lord Sidmouth as follows:—"Hamburgh, 7th Dec. 1818.—My lord; I hoped that as your lordship was aware what little foundation there was in the stories that were abroad on my account, you would have granted me the request which I asked in my letter of the 18th instant, and allowed me to return to London to settle my affairs. On account of your lordship's silence, I fear that your numerous occupations have made you forget my request. I have the honour of reminding you of it. I add to this, the detailed narrative of all that I suffered from the individuals charged with the execution of your lordship's order. The desire that I had until this day, of remitting to your lordship myself, had retarded my sending. You will therein see, that after having refused to conduct me before the privy council, or before a magistrate, not allowing me to give the objects I had left in my lodgings to the care of a friend, having taken away my portfolio and my papers, and pillaged my effects; after having used me with the most shameful treatment, refused to let me go into the Netherlands or to Holland, and having kept me four days under such close confinement that I could see no one, these individuals cast me on shore at Cuxhaven, without allowing me to have a copy of the order by which I was sent out of the country, and without leaving me a single paper to prove who I was; thus exposing me to be arrested for a vagabond. Certain am I, my lord, that this conduct of your agents was contrary to your instructions, I demand justice for it from your lordship. I have already had the honour of communicating to your lordship, that I had written by Mr. Capper to my friend, the count de Forbin Janson, to beg him to take an inventory of the effects left in my lodgings, and to put them in a place of safety; but that this letter had never been remitted to him. I have again written to this friend to trouble him with the same commission. Not having received any answer, I can only presume that this letter, like the first, has been intercepted. I am, therefore, without any knowledge of what has become of all the things left in my lodgings. I am still more uneasy, as Mr. Capper informed me that his men returned there after my departure. Mr. Hobhouse wrote to me some days ago, by your lordship's order, to acknowledge the receipt of my letter from Harwich, and to inform me that the articles therein asked for were sent off. I have only received as yet, 1. my portfolio; 2. my pistols; 3. a bundle of business letters and visiting cards. These objects being not nearly all that were seized by your agents, I should be much obliged if your lordship would let me know what is become of the rest, and to send them to me. My portfolio, which I had taken care to lock at the time of my arrest, having been sent to me open, I could not receive it but in the presence of Mr. Bartels, senior, minister of police of this town, in order that he might ascertain the fact of its being open when delivered to me. I will not take the liberty to discuss whether that of visiting my papers when I am turned out of the country, is a regular measure or not; for if innocent, why punish me? if guilty, why spare me? Without looking for the reasons of this visit, the fact is, that it ought to convince you that I am not a conspirator; my correspondence with several sovereigns had but one object, that of letting them know the true situation of the unhappy Napoleon, to try to obtain, by their intercession, some relief for his evils. Your lordship may have remarked in those letters, that it is the heart alone which speaks, and that there is not one word which has an affinity to politics. In all the discussions of the English ministers on the treat-

ment of their illustrious and unfortunate prisoner at St. Helena, they said that they did not omit any means of mitigating the rigour of his fate; how can they then find me guilty who am a Frenchman, honoured by his kindness in his prosperity, who fought for 15 years under him? in fine, me who am his aide-de-camp, who have partaken of his captivity for three years? Can these ministers find me guilty of using all my efforts to diminish his misfortunes? No, my lord, I appeal to your conscience. Well! it is for this that they have driven me out of England; that they have sent me to the continent to be put under the inspection of the police, and to remain there without protection; at least, such is the only motive that I can guess." —The rest of the letter alludes to the idea, that the general was sent out of England on account of his publication respecting Waterloo. It concludes by again begging permission to return to England, get together his effects, and settle matters of business.—The next letter was from Mr. Hobhouse, in reply; which was received by general Gourgaud, after an interval of two months:—

"Whitehall, Jan. 12, 1819.—Sir; I am directed by lord Sidmouth to acknowledge the receipt of your letter of the 7th ult. in which you complain of some articles of your property not having been delivered to you, and that your portfolio had been returned to you open; and in reply, I am to refer you to my letter of the 24th November last, in which you were informed, 'that his lordship had given directions that your portfolio, and all the other articles alluded to in your letter of the 18th of November, should be transmitted to Mr. Dutton, post-office agent, at Cuxhaven, for the purpose of being delivered to you;' and I am to acquaint you, that as you have not mentioned any of the articles which you allege to be withheld from you, his lordship has been unable to institute any inquiry respecting them. Lord Sidmouth has, however, caused inquiry to be made as to your other complaint of your portfolio's having been delivered to you open, and his lordship finds it utterly destitute of foundation. I am, Sir, &c.

"H. Hobhouse."

General Gourgaud sent the following reply to Lord Sidmouth.

"Hamburgh, 6th February, 1819.—My Lord; I have just received a letter from Mr. Hobhouse, dated the 12th of January who informs me that he writes by your lordship's orders, in reply to the letter I had the honour to address to your lordship on the 7th of December last. Your lordship may perhaps recur to that letter of the 7th of December, and also to that from Harwich of the 18th November, and your lordship will perceive, that after having represented the violation of the English laws committed in my case, and the ill-treatment and insults heaped upon me by your agents, I asked for justice, and requested to be allowed to proceed to London to collect together what I had left there, and to settle my concerns of importance; and as Mr. Hobhouse preserves an absolute silence upon these points, I again repeat them to your lordship, and beg to be favoured with your lordship's answer. Your lordship tells me that you could not cause any inquiry to be made after the articles which were taken from me by your people, because I did not enumerate them; but, my lord, as all my things remained after I was carried from London, at the entire disposal of your lordship's agents, how could I make out a perfect list of what they carried off, until I knew what they had left. In my apartment I had four trunks locked; one of them has been sent me to Harwich; how is it possible for me to say what remained in the other three, after they had been subjected to the search your lordship's inquisitors made subsequently to my departure. Upon this subject I shall take leave to repeat what I have had the honour to represent to your lordship in my previous letters, viz. that after they refused to take me, when arrested, before the privy council, I applied for leave to commit to some person what I was forced to leave behind in London, which application was likewise refused; that on the then ensuing day, I wrote through Mr. Capper, to one of my friends to get the state in which my three trunks were which he would find in my apartment, regularly verified and proved, which part of my letter they would not allow him to attend to, nor to that in which I claimed my portfolio. My wish was for every thing to be put in order, their object was, that disorder should prevail. Why did they act in this way unless that they might be able to pry into, and take with impunity, whatever they thought proper from my house? In feeling an anxious interest for the, to me valuable, contents of my trunks, in urgently soliciting permission to return

o London to settle my affairs, I should have unquestionably appeared ridiculous had I implored your lordship to let such trifling articles as the following be returned to me, viz. a few cambric handkerchiefs, a few silk stockings, some books, a silver spoon, and umbrella, a cane, &c. &c. I know well, that if once exposed to the misfortune of a visit from people of the description of your lordship's agents, losses are to be expected in course. However, my lord, until I can exactly say what things are missing, after an examination of my trunks, I will at present confine myself to claim a small portfolio, and some papers I have occasion for; they were laying upon my table, were carried off in my presence, and have not been returned to me. They consist of notes prepared for a fresh edition of the campaign of 1815, of remarks upon the violation of the capitulation of Paris, and of some letters. The concluding paragraph of Mr. Hobhouse's letter is curious; that gentleman says, 'lord Sidmouth has caused inquiry to be made as to your other complaint at your portfolio having been delivered to you open, and his lordship finds it to be utterly destitute of foundation.' I shall pass by, my lord, the indelicacy and offensiveness of these expressions of your secretary, and shall feel amply revenged by the shame a man must feel, who could forget himself so far as to use them. He doubtless conceived that, yielding to the desires expressed, and the menaces latterly employed to induce me to leave this city, and retire to Prague, to surrender myself as a prisoner, I should not be found at Hamburgh, that I could not answer him, that I could not establish the truth of my assertion—he is deceived. He speaks of an inquiry; but it strikes me that if an inquiry had been made to ascertain what occurred on the receipt of my portfolio, it were but just I should have been acquainted with it, and one would have thought I should have been asked some questions upon the subject: I knew nothing at all of it.—No question whatever has been asked me! In my letter of the 7th of December, my lord, I informed you that my portfolio, which, I took care to leave locked, having been sent to me open, I would not consent to receive it from the director of the English post, except in presence of the senator, Mr. Bartels, who has charge of the police of this city, and the paper annexed, signed by that magistrate, proves that what I said was not utterly destitute of foundation. This attestation may also serve to enable your lordship to estimate the degree of credit to be given to reports made by your lordship's inquisitors. It is true, my lord, that I always have complained of the irregular and unlawful seizure of my papers and portfolio when I was sent out of England; but I never had an idea of complaining on account of the portfolio being sent to me with the lock forced. Whether it was sent to me open or shut, was equally the same. I should not have been the less persuaded that the reason of its having been taken from me was to ascertain what it contained. I am not singular, my lord, in this opinion. In short, what other motive could there have been for wishing to prevent me from locking it? For what other reason could they prevent my sealing it where and as I wished? For what other reason did they refuse to give it me during the four days I remained at Harwich? For what other reason did they keep it for eleven days after my departure? It was delivered to me with the lock open, and I think that proves nothing, unless it be this, viz. that the persons who opened it are more expert in removing seals than in shutting locks. Such, my lord, is at least my opinion, I may be deceived, but I think every sensible man will concur with me that it is not utterly destitute of foundation. I have the honour to be, &c. (Signed)

"Le General Baron Gourgaud."

The following was the Certificate alluded to by the General:

"To General Baron Gourgaud at Hamburgh.—Sir; In reply to the letter you did me the honour to write me yesterday, concerning a certificate to prove that your portfolio was returned to you open, and not otherwise, by the agent of the English post, Mr. Staecker, I hasten to acquaint you, that although I perfectly well remember that you came to my house at six on the evening of the 30th November last, accompanied by Mr. Staecker, and a servant carrying a portfolio; that you declared to me that the said portfolio, which you took most particular care in locking when it was taken away from you on the 14th November, having been sent back to you open, you would not receive it except in my presence; that after having examined the said portfolio, I sa-

tisfied myself that its lock was open; and finally, that it was not until that fact had been thoroughly ascertained that you took back the portfolio: yet I am not able to give you a certificate upon it in my capacity of magistrate, since I only made the examination in the quality of a private individual. I cannot, however, as a private individual, refuse you this declaration—that it is incontestibly true that you would not receive your portfolio from the agent of the English post except in my presence; and that after I had examined its state and condition, I was convinced, as was also the said agent, that its lock was open, and not only not locked, but that the two seals appeared to be in pretty good order; that upon this subject you remarked, that such seals were very easy to remove and put on again without discovery, whilst treffle-locks like that upon your portfolio, once forced, were almost impossible to shut again without the key.

(Signed) "J. H. Bartels."

These, said the hon. gentleman, were the facts of the petition, and it concluded with the same prayer that was contained in the letter to lord Sidmouth. He did not question the right of the ministers to send him out of the country, however he might deplore the manner in which that right had been exercised. He called for justice on those who had violated the spirit and letter of the Alien act, as if that act was not harsh and tyrannical enough. They had taken away the right of appeal which that act allowed; and they had sanctioned the commission of cruelty and indignity on a person whose rank in life, and whose unfortunate situation, might have with men of generous feelings, protected him against such treatment. Against these acts he petitioned, and into the truth of his petition the House should be anxious to inquire, both from a desire to afford justice to a suffering individual, and a wish to afford the ministers themselves the means of clearing themselves from a serious imputation.

The Petition was brought up. On the motion, that it be laid on the table,

Mr. *H. Clive*, after professing his readiness to take the responsibility of the alleged violations of the law on himself, said, that when the petitioner first came to this country, the ministers had certainly an idea of him different from that which they were afterwards compelled to entertain. Into the reasons which induced them to send him out of the country, it was not necessary for him to enter. It was sufficient to say, that they found cause to do so. He solemnly protested, that there was not the slightest idea, when that resolution was taken of treating general Gourgaud with unnecessary severity; and if he had submitted with the patience which was to be expected from a person subjected to a legal power, those grounds on which the present complaint was founded would not have existed. The officers who entered his room did not strike him with bludgeons, as they had no such things with them. They gave him time to dress, and when he had done that, he attempted by his strength to prevent them from removing him. A scuffle then certainly ensued, but in that scuffle the officers, feeling the delicacy of their situation, endeavoured to avoid doing him any injury, and in the end, had suffered much more than he. That he had appealed to the privy council, was false; and to show the inconsistency of the petition, he had stated in one part, that he was entirely friendless, and afterwards had mentioned, that dreading the proceeding which was afterwards adopted towards him, he had applied to a friend for advice, who had told him to petition the privy council. It was true, that the general pointed out to the officers a brace of pistols in a drawer; but this was not till he had seized another brace of pistols, which were loaded, and which were wrenched from him. After this, too, he seized a dagger, which was lying under some papers on his table, and began to attack one of the officers, but it was taken from him. He was put into a coach, while a friend of his attempted to prevent him from being removed. He was removed to a house near Vauxhall, for the sake of preserving the peace of the town, for a considerable crowd had been collected by the vociferations of the general. So cautious was the home department that this individual should not be treated illegally, that he (Mr. Clive), before the warrant was served, read over to the individual to whom it was entrusted, the clause in the Alien act, in which a right of appeal to the privy council was given; and the same clause was sent in writing to the agent at Harwich, that according to the words of the act, if any cause of appeal was alleged, the execution of the order might be suspended. Another cause for removing him in a coach was, that

the general had cut his hand (by breaking the glass in order to cry out to the crowd in the street), a circumstance which had excited some commiseration, as it was supposed by many that it had been done in the struggle. If this individual had been so grievously ill-treated, how did it happen that so much time had been lost before the complaint was made to parliament, especially as a pamphlet was published long ago, threatening a parliamentary investigation? On the road to Harwich the petitioner pursued the same conduct, attempting to excite compassion by crying out murder, and consequently made his journey much more unpleasant than was necessary. When he arrived at Harwich, according to his own desire, he saw the mayor, and told him that the warrant was illegal, because it was contrary to a permission he had received to reside in the country. The mayor correctly told him that the warrant was legal, and such as every alien in the country was bound to obey. While he was at Harwich he sent a friend with some directions respecting his property, which had been complied with. It was to be remembered that he stayed five days at Harwich, and that during this time any person from London might have gone to see him, or to have lodged the appeal. He also sent a letter to Mr. Forbin Janson which was delivered. The letter which he sent to lord Sidmouth for his portfolio was attended to: it was sent, through the agent at Harwich, to the agent at the post-office at Hamburgh, and through him delivered to general Gourgaud. The result of the inquiries which had been made concerning the delivery of this portfolio, he had before stated; he had only to read the letter from the agent at Harwich. The letter stated that the portfolio was forwarded as it was received. The hon. member also read a letter from the agent of the post at Hamburgh, stating that when general Gourgaud received the portfolio he broke the envelope, and declined to open the portfolio but in the presence of the director of police. On inspection, it was found unlocked, but two seals were on it. These were the facts of the case as far as they occurred to him.

Sir *R. Wilson* said, the petition contained a serious charge on a subject on which that House alone was able to afford a remedy, for though some fractional parts of the grievances which the petitioner had suffered, formed proper subjects for appeal to a legal tribunal, yet, by the law, under the operation of which the evils had arisen, the ministers were enabled to remove the person whom they had injured from the spot on which alone he could procure redress. There were other circumstances, indeed, in this petition, which were calculated to awaken the sympathy of any person of generous feelings. The petitioner, who complained of injury, was a stranger in this country, a man who had obtained all the distinctions which merit and pre-eminent courage are rewarded with, who had voluntarily involved himself in the ruin which had overtaken his master and benefactor. He should not inquire how the petitioner had drawn down on himself the displeasure of ministers. One cause which had been alluded to he was persuaded, inimical as he was to the principles on which the ministers proceeded, could not be the real cause. Because the petitioner had attempted to maintain, in a publication, the military honour of France, he could not think that the ministers would attempt to combat him by that ignoble weapon, a secretary of state's warrant, or attack him with police officers, because he attempted to prove, that neither his chief nor his countrymen had relinquished their swords ingloriously. The other cause alluded to was, that he had sent letters to the sovereigns of Europe in behalf of his master; and when he (sir R. W.) considered that a British officer had been dismissed from the service without a trial, for having spoken in behalf of the same individual, he could easily believe that this might be the real cause.—He could, indeed, pledge his life, that general Gourgaud had not been guilty of any traitorous correspondence, of any attempt to disturb the peace of Europe. As the petitioner with great delicacy had abstained from mentioning his (sir R. W's.) name, he thought it his duty plainly to state what he knew of the transactions alluded to. Some days after the publication of his work, general Gourgaud met him and told him, that in consequence of that publication, he understood the ministers intended to send him out of the country. He (sir R. W.) laughed at his apprehensions; but told him, that if such a course was really taken, he ought to appeal to the privy council, and that if there was no other cause than what he mentioned, the council would certainly annul the

warrant. This he mentioned, to show that the petitioner was in possession of the knowledge of his power to appeal to the privy council, and there was the strongest presumption that he would exercise that power. At this time the petitioner asked him whether he knew a Dr. May? A person who called himself by this name had called on general Gourgaud, and represented himself as a military surgeon in the British service, and stated, that he had been quartered at the house of the mother of the general at Paris, and that he had received such attentions from her, that he was desirous of showing his gratitude to the family on every occasion. He then said, that if the general had any communications to make to his family, he (May) would take the charge of them; and to inspire confidence, he stated that he knew several persons, and among others him (sir R. Wilson). He told the petitioner that he knew no such person, and had no doubt that this Dr. May was either Mr. Oliver, or one of his brothers. A few days before the arrest, this May called on the general, and under some pretence, asked him to lend him 2*l*. The petitioner lent him 4 or 5*l*. He (sir R. W.), when he heard this, rebuked him for a piece of generosity which was not at all convenient, but congratulated him at the same time that May, instead of a spy, had turned out to be a swindler.—When general Gourgaud was arrested, the count Forbin Janson called on him (sir R. W.) and told him that he had, accompanied by captain Baker, called on Mr. Clive, and begged to be permitted to see the general. He had said, that he knew nothing of general Gourgaud, but that he was a brave officer and his countryman in misfortune; that he wished to offer to do him any service. He stated also that he was ready to communicate with the general under any restriction that might be wished. Mr. Clive stated that the general was out of town. Count Forbin Janson said that general Gourgaud could not be far off, as he was seen in town the day before, and that he was ready to follow him. Mr. Clive replied, that lord Sidmouth would not consent to allow him to see general Gourgaud; and told him, in short, that he could not be permitted to see him. Now, by the Alien act nothing of this kind was authorized; it was not directed that the person arrested should be surrounded by this inquisition-like mystery; that his effects should be seized; that his friends should be shut out, and he left to the mercy of strangers. Count de Forbin Janson then related to him the circumstances of the arrest, as they were detailed in the petition, as to which he (sir R. W.) confessed that he was incredulous. He, however, accompanied the count to the house from whence the general had been taken. A servant who had been present during the transaction, related the particulars, and offered to vouch them upon oath. The evening before a person called, who turned out to be Mr. Capper. He asked whether the general was at home, and being answered in the negative, he desired the maid to tell the general that Dr. May would call on him the next morning. When it was recollected that this Dr. May was a swindler, and that his name was thus made use of by Mr. Capper, there could be little doubt that he was one of those dastardly assassins who go about seeking to destroy the victims, whether by truth or falsehood, into whose confidence they insinuate themselves. The same Mr. Capper called the next morning before the general was up; he went into the bed-room of the general, which was a back-parlour, and said something to him, at which the general did not seem alarmed. Mr. Capper then went to the front door, and rushed back, followed by several men, who seized the general, hurried him, undrest as he was, into the front room. They then brought his clothes; he, alarmed by the violence, lifted up a window, which they thrust down on his arm with such violence that he turned pale from pain. They then went through the passage with him to the coach, and the maid declared, that one of them struck him over the head with his cane (for it was true that they had no bludgeons, though a foreigner might easily mistake the term); they thrust him into the coach with such violence, that his head sounded against the opposite door loud enough to be heard through the house. His foot was hanging out of the door, which they closed violently, and the leg was so jammed that, from the force and the shriek, the witness thought it had been broken. It would be an insult to ask the House whether they could approve of such conduct. He was convinced even the secretary of state could not approve of it; but he was guilty in this—that instead of having the warrant executed in a decent way, he had sent seven or eight ruf-

fians, as they proved themselves, to this defenceless individual. There was presumptive evidence that the general had appealed; he knew the right, and there could be no doubt that he had the desire to do so; and the positive evidence that he had been improperly treated was equally strong. As to the seizure of his papers, and the breaking open the portfolio, if it was authorized by lord Sidmouth, it was a high misdemeanor; if it was the act of Mr. Capper, it was nothing less than a felony. The motive could not be mistaken; the secretary had wished to peruse the papers, why else were they not delivered to him at Harwich. Indeed, he would defy the hon. under secretary to say that they had not been perused. As to the pistols, they had the arms of Napoleon on them, and perhaps the English, like the French police, made their insignia the warrant of confiscation. A police system was growing up in this country, which, if not checked, would become as odious as any of those under which the continental nations groaned. The honour of the country had been bought too dearly to be lost without regret, in such dastardly proceedings. He trusted, on these grounds, that the House would grant a committee to inquire, and he should be himself ready to conduct the investigation.

Lord *Castlereagh* advised the gallant officer to be cautious how he pledged himself as to the veracity of a person with whom he could have had so recent an acquaintance. As to the battle of Waterloo, of which the general had been the historian, it might be left to speak for itself, but of another encounter he imagined the general would be found not a very faithful historian. It was in itself highly improbable, as Mr. Capper went provided with instructions to attend to the request of the general as to the appeal, and even to facilitate it, that he should have committed unprovoked violence. If he was not misinformed, the general laid hold of a brace of pistols, loaded, which he presented; and if the two officers (for there were but two who followed Mr. Capper) had not seized them, the matter might have been brought to a more speedy conclusion. After this, he took up a dagger, but fortunately got the wrong end of it; in the division of it, consequently, the scabbard remained with the general, and the officer had the weapon. If the division had been reversed, perhaps the general might have been tempted to make more use of it than the officer did. When neither the brace of pistols nor the dagger availed him, he was permitted to seal his papers; but he again resorted to violence, and finding his efforts ineffectual within the house, attempted to appeal to the populace without; he broke the windows, and called out in such a manner, that the situation of the officers became critical, and they were obliged to remove him. One of the king's officers was actually knocked down by one of the populace. When he was carried to Harwich, he manifested the same disposition, and on his way beat or struck one of the officers. He mentioned these things to show that the word of this historian was not implicitly to be trusted to.

Mr. *F. Douglas* thought his hon. friend had made out a case which called urgently for inquiry. He knew it was customary for gentlemen on the opposite side of the House, to meet statements of abuses by reflections on the characters of those persons on whose veracity these statements rested. No doubt the name of general Gourgaud, and the remembrance of his political connexions, were apt to excite prejudices in some persons minds; and perhaps he himself was not altogether free from those prejudices. But still a breach of the law of the land—a breach of that principle which regulated our intercourse with foreign nations, as well as of the principle which protected our internal property—the House were bound to watch with peculiar jealousy. The question respecting general Gourgaud divided itself into two branches. The first was, his having neglected to demand that he should be carried before the privy-council. They must all recollect, in the debate on the Alien bill, how much stress was laid by the gentlemen opposite, on that part of it which provided that the alien should have an appeal to the privy council; but how did the hon. gentleman meet this point? He had said, that general Gourgaud did not require to be brought before the privy council, but before a magistrate. Good God! were laws to be eluded on such quibbles? It was the duty of the officer to inform general Gourgaud what course he should pursue. This treatment was both ungenerous and unjust. He would appeal to those who, like himself, had occasionally found themselves friendless strangers in a foreign country, ignorant of the laws of that country and the regulations applicable to

foreigners, how they would have judged of similar conduct towards themselves? He should say a few words on the other branch of this question—the seizure of the general's property. If his papers were not to be examined when brought before the privy council, why had they been taken away at all? It was said, formerly, that they had been taken away for the purpose of security; but did not the gentlemen know that general Gourgaud had friends in this country, who could have taken care of them? It never could be the duty of that House to consider assertions made against a man, a sufficient reason for not taking his case into inquiry. The assertions of the hon. gentleman opposite (Mr. Clive) certainly weighed more with him than the assertions of general Gourgaud, but for that very reason he was for an inquiry. He did not accuse the hon. gentleman of any breach of the law, much less of any voluntary injustice towards this man; but there might be seen in this case one of the bad effects arising from the possession of uncontrolled power. In persons possessed of arbitrary power there was a natural and inherent proneness to violence and brutality.

Mr. *Bathurst* urged the same facts which had been mentioned by Mr. Clive and lord Castlereagh, and contended that there was quite enough doubt thrown on the character of the petitioner to induce the House to hesitate ere they trusted to his accuracy.

Mr. *Bennet* animadverted upon the observation of the noble lord and the hon. gentleman on the other side, that the allegation of general Gourgaud was contradicted by that of the officer by whom he was arrested; and that the question was, to which would the House attach credit? Now for his part, he would always be disposed to decide rather in favour of the testimony of the oppressed than of that of the oppressor, because the contradiction of the latter was naturally to be looked for as the consequence of the complaint of the former, especially when an appeal was made to any tribunal not likely to grant impunity to acknowledged guilt. But it was not the fact that in this case the House had nothing but the assertion of the petitioner and the contradiction of the officer; for it appeared, that the allegation of general Gourgaud, as to the ill treatment he experienced upon his arrest, was corroborated by two servants belonging to the house in which the general lodged. Surely, then, such corroboration was calculated to give additional weight to the complaints of the petitioner! But as to the conduct of general Gourgaud upon the road to Harwich, how could it be with any degree of candour made matter of complaint against that officer, that he himself, when dragged in such a manner along the road, ventured to exclaim against those by whom he was so harshly treated? Would gentlemen desire that in such a case the sufferer should be totally silent, or that he should be actually gagged? It was preposterous to suppose that the general could have contemplated any thing like a rescue upon his route to Harwich, for the number of officers by whom he was accompanied, with other circumstances, must have convinced any man with the mind of the petitioner, that such a scheme must have been quite chimerical. But with respect to the conduct of the officers towards the portfolio of the petitioner, that conduct was not attempted to be denied, and he now asked any one enabled to answer, on the part of the home department, whether the statement of the petitioner upon this point was or was not correct? If it were correct, and that the petitioner's portfolio was broken or opened by a key, he had no hesitation in affirming, that the person who had so broken or opened it was guilty of an act of felony. Yet such an act was not denied, and there was, therefore, but too much reason to apprehend that the portfolio was actually opened, and the papers it contained taken out and read.

Mr. *Sinclair* was fully persuaded, that if any inquiry should take place, it would appear, that the ill usage complained of by general Gourgaud, was occasioned by provocation and resistance on his part. It was inconsistent with the national character to suppose that any Englishman, and especially a person of acknowledged humanity and reputation, would use violence towards a prisoner in the general's situation without adequate cause or necessity. He had chiefly risen to state his entire dissent from the opinions expressed by the hon. mover and others upon the subject of the Alien act; he thought that enactment highly salutary and expedient. It was consistent with the best interests of the country that a power should be vested in the executive government of

removing incendiaries from the kingdom, who, after having employed their whole lives in endeavouring to overturn the establishments, and perpetuate the misery of other countries, came here for the purpose of persisting in the execution of their mischievous designs. It was far from being his wish that Great Britain should be compelled to foster serpents in her bosom, who, after having been nurtured by the genial warmth of English hospitality and benevolence, would not scruple to embrace the earliest opportunity to sting their benefactress through the heart. He hoped that a discretionary power would continue to be entrusted to his majesty's ministers, in whom he had sufficient confidence to believe that they would never wantonly abuse it.

Mr. *Hutchinson* said, it was quite absurd to suppose that cruelty was impossible in a country in which such an execrable measure as the Alien act was passed into a law; for that act was the fruit and parent of cruelty, and men acting under it must necessarily be cruel. The conduct therefore which general Gourgaud complained of, was naturally to be expected from such a law. But yet it would be disgraceful to that House not to inquire into the complaints of the petitioner. These complaints ought indeed to be promptly investigated, and yet the noble lord had not intimated his intention to accede to the desire for taking his petition into consideration. But it was due to the honour and dignity of the country to have such a transaction investigated, especially as the main allegations of the petitioner were not even denied. The noble lord and the right hon. gentleman had dwelt particularly upon the irregularity and violence of general Gorgaud upon the road to Harwich. But in what did this irregularity and violence consist? Why, in a mere complaint of the ill-treatment which the general had received, and for such complaint one of the officers gave him a blow upon the head with a bludgeon. But it was insinuated that general Gourgaud sought to procure a rescue by his conduct upon the road. The idea however was quite absurd, especially as the general could not speak English. But the facts of this case, outrageous as they were, sunk into insignificance compared to the principle of the law upon which the proceeding was grounded. According to that law, it was pretended that the petitioner had a right of appeal to the privy council; and the under secretary had mentioned, that a copy of the clause conferring this right was given to Mr. Capper, with a view to be communicated to general Gourgaud? But what was done with this clause? Why that which, in common fairness, should have been laid before the general in London, he was not allowed to see until he arrived at Harwich, where the communication was nugatory and illusive. In common justice it was the duty of the House to allow him an opportunity of proving the truth of his complaints, or to allow those against whom his complaints were preferred, the opportunity of disproving them. Formerly it was the universal understanding, that when any foreigner set his foot upon British land he became a free man, and entitled to the protection of our laws, but since the enactment of the Alien act, the foreigner who sought an asylum in England from any arbitrary government, was condemned to additional persecution—for, by this infamous act, England became a party to the system of persecution which characterized some of the governments of the continent. But to return to the case of the petitioner, he was authorized to state that the pamphlet alluded to on the other side [the letter to earl Grey, lately published by Ridgway, Piccadilly], was not the production of general Gourgaud: therefore any animadversions to which this pamphlet might be liable, could not be applied to that officer. The hon. gentleman concluded with the expression of a hope that the hon. gentleman, who had so laudably introduced this subject to the notice of the House, would follow it up with the proposition of some measure calculated to avenge the injury of a distinguished foreigner, and to vindicate the character of this great nation.

Sir *G. Cockburn* observed, that from what had been so emphatically urged as to the high character for fidelity of general Gourgaud, he thought it right to state something which he happened to know of that officer at St. Helena, where the general stated to him, that he had great reason to complain of that scoundrel grand marshal (Bertrand); for so these persons were in the habit of speaking of each other. The general mentioned his ground of complaint. He said, that he had served in the army under Buonaparte in Russia, where he had so distinguished himself as to attract the favour of Napoleon; but

that when Napoleon abdicated, he felt himself released from his allegiance, and joined the army of the king. In that army he was favoured with the patronage of the duke de Berri, through whom he obtained the cross of St. Louis; but yet that when Napoleon returned from Elba, he immediately offered him his services, in consequence of which, Napoleon appointed him to a high command in the ordnance. On which he (Gourgaud) called upon Bertrand to thank him, conceiving the appointment to be owing to that marshal's recommendation. The marshal, however, promptly undeceived him, observing, that he had no notion of recommending the appointment of such girouettes. Hence Gourgaud complained of Bertrand, and upon his (sir G. C.'s) asking Gourgaud wherefore he had come to St. Helena, Gourgaud replied, "from fidelity to his sovereign." He hoped that no one would suppose him likely to condemn any officer for fidelity, but what degree of character for fidelity really belonged to general Gourgaud, the House could judge from the circumstances which he had stated. As to the case alluded to on the other side, he did not exactly comprehend the allusion; but he could assure the gallant officer that no such a case had happened with regard to any officer in the navy.

Mr. *Lambton*, in reply, maintained, that however it might have been lawful to arrest general Gourgaud, there was no law whatever to authorize the seizure of his papers. As to the character of the general, it was rather strange, that if that character were so exceptionable as some gentlemen would now insinuate, he should have been admitted to an acquaintance with a minister of the Crown, or how came he to dine with lord Bathurst? With regard to the terms in which the allegation of Mr. Capper was spoken of, he begged that in order to appreciate the character of that person, gentlemen would take the trouble of reading what referred to him in the report of the police committee of 1816. It would be there seen that this Mr. Benjamin Capper found his way into a gaming-house, accompanied by other police officers; that he there appeared in uniform with a drawn sword, and actually took away all the money on the table, for none of which he accounted. This appeared from the evidence of Mr. Nares, the magistrate, and after such evidence, he apprehended that no one would be found to put the credit of Capper in competition with that of gen. Gourgaud, or of any other individual entitled to the least consideration. He therefore called upon the noble lord, for the honour of his own government, to institute an inquiry into the merits of this petition, and not allow himself to be influenced by any desire to screen such a person as Capper.

The petition was ordered to lie on the table, and to be printed.

BANKRUPT LAWS AMENDMENT BILL.] Mr. *J. Smith*, in rising to move the second reading of this bill, said, that in calling the attention of the House to the principal points of the bill, it would be necessary to allude to the steps which had been taken upon the same subject in the two last sessions of the last parliament. There were at that time petitions presented from various parts of the country, complaining of the grievances which existed under the bankrupt laws as they then stood. These petitions were referred to a committee, which was appointed in 1817. From the report of that committee, who had taken the greatest pains to make themselves acquainted with the subject, very valuable information had been derived. The committee of 1818 had added very materially to this information by their labours, and the result of both having gained publicity, had attracted great attention in every part of the country. The bill which he now held in his hand was not the same as the measure which had been proposed on a former occasion. It adopted, it was true, many of the improvements which were then suggested; but there were others added, calculated to obviate many grievances which were not fully entered into at that time. The principal grievances arising from the bankrupt laws, as they now stood, were kept in view, and would be met by what he thought appropriate enactments in the bill. The first great object would be to take such a proper care of the bankrupt's property, as to ensure the creditors, as well as the bankrupt himself, against that loss which they now so frequently sustained from the manner of proving debts. Another object would be to prevent the loss of many debts which it was found difficult to prove under the present system. A great object would also be, to do away the facility with which fraudulent bankrupts could at present obtain their certificates, to alter the law which inflicted

the punishment of death in many instances of fraud under these acts, and to ensure an adequate allowance to the bankrupt himself on the dividend. The want of such regulations had been complained of in several petitions, and were proved before the committee in 1817. At that time the committee had called before them several Irish gentlemen, engaged in very extensive commercial dealings in the sister country. The examination of these occupied the committee eight or ten days; and in the end, it appeared to them, that it would be very difficult to introduce any measure which would be applicable in the same manner in both countries. This would, if it could be effected, be most desirable; but from the difference of the laws and practice in the two countries, it would be almost impossible to introduce into one bill, the regulations which might be necessary for both. However, he was not without the hope that a bill applicable to the exigencies of the bankrupt laws in Ireland would be speedily introduced, as a right hon. friend of his had promised, that if this bill was passed, he would give his assistance in framing one which might remedy the evils experienced from those laws in Ireland. After the examination of the gentlemen alluded to, the committee of 1817 proceeded to examine several respectable merchants and traders of the metropolis, and also several eminent solicitors, a great part of whose business was connected with bankrupt commissions; and from all they received the concurring opinions, that the present state of the bankrupt laws was wholly inefficient to their object. In the next year the committee had the testimony of some of the most experienced of the commissioners, Mr. Montague, Mr. Cullen, and some others, who all agreed that the laws were totally inapplicable. Mr. Cullen, in addition to his direct concurrence in this opinion, stated, that not only the laws were inefficient, but also the entire constitution of the commissioners themselves.—After thus stating generally the acknowledged defects of the laws as they now stood, and an outline of the remedies which they called for, he begged the attention of the House while he offered a few observations upon some points in detail. The first enactment went to point out what was the description of persons who might become subject to the bankrupt laws. Upon this point there had existed heretofore a great deal of difficulty and obscurity. In fact, it was not with any accuracy defined, who might, or might not, be declared bankrupts. It was known that many persons had been so declared, had commissions issued against them, and received certificates, who had never exercised any trade, or who only did one act of bankruptcy, and that often by accident. The story of the country gentleman against whom a commission of bankruptcy was issued was well known; but as it served strongly to illustrate his argument, he should repeat it. This gentleman kept a pack of fox hounds, and, as food for them, was in the habit of buying dead horses, and selling their skins; becoming embarrassed, a commission was issued against him, and it was held from that, that he was a trader within the meaning of the act, though his only act of trade was the buying the bodies of a few dead horses, and selling their skins. There were many other cases equally strong, and many instances where persons absolutely exercising trades (for instance, the trade of a dyer), were declared not to be subject to the bankrupt laws. To remedy this, he would define, as nearly as possible, all who were subject to, and all who should be exempt from, the operation of those laws. Among the exceptions he would class artisans, handicraftsmen, artists, sculptors, painters, schoolmasters, attornies and solicitors, scriveners, farmers, in respect of farming-stock of any description, butlers or servants to the inns of court, receivers or collectors of king's taxes; and, in general, all persons whose subsistence was wholly or principally dependent upon manual, or mental labour, and whose usual dealings did not require or occasion credit by means of bills of exchange. As to some of these, as well as to others mentioned in that part of the bill which enumerated those who were subject to the bankrupt laws, there might, he had no doubt, exist a difference of opinion. The next enactment to which he wished to call the attention of the House was a new one, and, in his opinion, much called for by the defects in the present system. It declared, that any person coming under the description of those who were liable to the bankrupt laws, who after the passing of the present act, should, for seven successive days, stop payment, not being disabled through severe or sudden illness from attending to business, or who during

that time generally refused or were unable to pay his or her debts, or who during thirty successive days should be absent from his usual place of residence or counting-house, or warehouse, without having made provision for his bills, notes, or any other demands at the time of their becoming due; or who, having any writs of action for debt issued against him, and notice of such left at his usual dwelling place, and who in nine days after such notice, (seven days being allowed to elapse between each notice) should not put in sufficient bail for such action; or who being arrested for a debt, should remain in prison for 14 days or more, for such or any other debt; such person should be liable to be declared, by any such act or acts, to have committed an act of bankruptcy, and be liable to have a commission issued against him, provided such commission be issued within twelve calendar months after any such act or acts. It was necessary that such guards should be placed upon the issuing of a commission; for the refusal in many cases to have a commission issued, was one of the greatest sources of fraud. Indeed, in 99 cases out of 100, the issuing of a commission was the result of a concert between the friends or creditors of the bankrupt. This was not the effect of fraud; the object was, to prevent the bankrupt from wasting the property of himself and the creditors until it would be too late. It frequently happened, that when a commission was so issued, the assignees met, and came to a division of the property, which was beneficial for all parties; but then, if the creditor was dishonest, and wished to defraud the whole of them, he might turn round and say, that the commission was illegal, that it was the result of a previous concert, and that he would apply to have it set aside. It frequently happened, that such proof lay in his power; and the consequence was, the commission was set aside, and the assignees might be made to pay back the whole of the money which he might have so collected. The result of this was, that of late years very few respectable persons could be got to act as assignees. In order to remedy this, he would have a clause, by which assignees should be protected from such abuses as he had alluded to. One thing which he conceived the House ought not to lose sight of was, the giving additional power to the commissioners. As at present constituted, they had scarcely sufficient power to regulate and keep order in their own court. It was disgraceful to witness such scenes of tumult and confusion as were of daily occurrence in those courts, where property to so large an amount was concerned. He begged to be understood as not intending to cast any imputation upon the conduct of the commissioners. Nothing was farther from his intention, and they themselves knew it. They were aware of the evils to which he alluded, and with a heavy responsibility, they stood as it were with their hands tied up. One additional power which he wished they should have, would be that of expunging the proof a debt, if they should afterwards see occasion. At present a debt, when once proved, could not be expunged, though it should be found that it was most erroneous, except by application to the chancellor, and that was attended with so much expense, that the creditors seldom found they would gain any thing, even if they should succeed. He would have a clause, giving the power to the commissioners to expunge a debt whenever they should see occasion, leaving it still open to any party objecting to appeal. He would also give them the power of enforcing the attendance of witnesses. He knew there was a great difference of opinion on the subject of adding to the power of the commissioners in town. He conceived that such an addition should be made, but he would by no means add to the power of the commissioners in the country. The country commissioners were, he might almost say, self-elected. The person issuing the commissions had only to give instructions to his solicitor, and he appointed any five persons he pleased, they being solicitors. It often happened, in consequence, that the immediate friends and connexions of the party were made commissioners. Sometimes the relatives or partners. He had heard of one instance of three partners, two of whom were made commissioners, and the third, assignee to the same commission. So fully sensible was the late chancellor Loughborough, of the serious evils and great abuses which were committed through this system, that he struck out several lists of commissioners in several parts of the country, who alone had the power to hear and determine upon bankrupt commissions. The practice was not followed up by the present lord chancellor, nor even were the vacancies in the two lists which still remained. The reason

assigned for his lordship's non-interference was, a motive of delicacy, as such a proceeding would be giving to the solicitors in the country an advantage over their brethren in town. He (Mr. Smith) confessed he could not see how that reason ought to operate, or why any greater difficulty should exist in appointing commissioners in Yorkshire than in London. Indeed, so great was the evil arising from the manner in which many of those country commissions were at present worked, that it seldom happened that a shilling was received by the assignees.—One other point which he wished to remark was a new one: it was new, and one to which, though there were many objections, he confessed he was quite partial. In the second meeting of the commissioners, as the practice at present stood, the assignees were appointed, but it was impossible for the assignee, let him be ever so well inclined, to give his constant attendance; so numerous were the meetings, and so various the delays incidental to those commissions. The assignees, it was known, acted gratuitously; it was not to be expected, therefore, that they would pay that very diligent attention where they had no very great interest. The consequence was, that though he had known many who at the commencement of the business were very diligent, yet he found, that before it was half concluded, they got tired, and left the whole matter to be managed by the solicitor or his agents. Chance made him acquainted with the practice of the Scotch, in their working commissions; and he could not avoid remarking, that in this, as well as in many other instances, our northern neighbours had the advantage of us in good sound sense. In Scotland, it was the practice to appoint an agent to the commission, who kept the accounts of the bankrupt, examined his books, collected his debts, and did many other acts which was the duty of the assignees among them, but a duty, from the neglect of which the bankrupt's estate too frequently suffered. He would propose, that such an agent should be appointed to each commission, with duties nearly similar. With regard to that part of the law which inflicted capital punishment upon any bankrupt who concealed his property from his creditors, he would merely refer to the evidence which had been given in the last session by his lamented friend, sir Samuel Romilly, to show that this extraordinary rigour defeated the purpose for which it was intended, by preventing any prosecutions being instituted at all. There was also another point of great importance, to which he must call the attention of the House. He intended to give the commissioners of bankrupt authority to inquire into the conduct of the bankrupt previous to his bankruptcy. Under the present enactments, the commissioners had not the power to refuse their signature to the commission, however profligate and extravagant the bankrupt might have been, if he has conformed himself to the regulations of the law; neither had the lord chancellor himself any right to object to the certificate, if it was signed by a regular proportion of creditors. He recollected an instance in which a bankrupt, on his examination, had been asked to explain in what manner he had expended the large sum of 23,000*l.* in seventeen months. The man answered very honestly, that he had expended it in wanton extravagance, having kept a mistress at Hampstead, and a large establishment both in town and country. The creditors, though highly exasperated by this statement, had notwithstanding signed his certificate; and the individual, if he was rightly informed, was now carrying on business with the greatest success. The clause which he had inserted into his new act was to punish such unwarrantable extravagance, by entitling the commissioners to inquire into the past life of the bankrupt, and by empowering them to grant or to withhold his certificate, as might to them seem just and proper. He was very anxious that this clause should pass into law, because it was of the very highest importance to the interests of the community. He was also inclined to propose a clause—which, though proposed by a man whose memory no man could help revering, and which no man revered more than he himself did, had been lost in another quarter—that it should be requisite that four-fifths, and not three-fifths only of the creditors should sign the certificate. He could wish also to say something on the proceedings at Guildhall, and the scenes of perjury which so frequently occurred there, It had been proved by the evidence of Mr. Montague and Mr. Courtenay, that perjury was there reduced to such a system, as no honest man could think of without shuddering. Mr. Montague had said, that on those days when numerous meetings of creditors were expected, individuals plied at the hall-

door to be hired to perjure themselves in the proof of fictitious debts; and that these individuals were afterwards employed to sign the bankrupt's certificate, just as if they had been *bonâ fide* creditors. This system was mentioned by other witnesses, and a respectable solicitor had even gone so far as to assert, that there was a regular house in Doctors' Commons, where men might at any hour be met ready to prove debts for a certain per-centage. Mr. Montague on one occasion had been employed to object to the claim of a man who had come forward to prove it under very suspicious circumstances—he was unsuccessful in his opposition, and the debt was in consequence established. Mr. Montague thought no more of the man after he had left the commissioners, until he met him on the afternoon of the same day, in his road to his house in Bedford-square, selling old cloaths, and exercising an employment, which though mean, was far more respectable than the trade which he had been pursuing in the morning. He thought that there was no occasion to add any further observations to such a disclosure.—There was another point, to which he anticipated much opposition, but which was likely to be attended with great advantages—he meant the granting of an allowance to bankrupts on the dividends which they paid over to their creditors. At present no allowance was granted to them, unless the dividend amounted to a certain value. This he conceived to be improper; and should therefore propose, that when a bankrupt had not dealt in accommodation paper, and had not been guilty of any fraudulent conduct, he should receive a considerable per-centage on his dividend. Now, when it was considered that a bankrupt gave up all his property, and was liable to death, if he concealed property of more than 20*l.* value, it was quite evident that he might be reduced to the greatest possible distress, if some such relief were not administered to him. Besides, in case of that individual lending his assistance to his assignees to collect the debts due to his estate, it was not common humanity and true policy to allow him to share in the sums so obtained for the creditors. It was maintained in former times, but he was glad to see that the idea was now abandoned, that the only way to prevent crime was to enact excessive punishment; he thought a more efficient way to prevent it would be found in any plan that should give men an interest not to commit it; inasmuch as there were few who did not behave well, when it was made their interest to do so. He acknowledged, that when a bankrupt was not allowed to retain any property, the temptation to conceal some portion of it; was almost irresistible; and he therefore wished to diminish this temptation, by giving them a certain allowance, which would make them contemplate bankruptcy with very different feelings to those with which it was at present contemplated. A man in such a situation would then consider "what is it my interest to do?" and his reason would answer, "to behave like an honest man." There was another subject which he wished to impress on the notice of the House, that protection ought to be given to the commissioners in the discharge of their public duties—a protection which recent events had proved to be essentially necessary; and also to the messengers, who at present, contrary to all rule and principle, were completely under the control of the solicitors. In the bill which had been prepared last year, there was a clause proposing that a certain fixed salary should be given to the commissioners. From the observations which had been made to him since that time, he had discovered that all parties objected to it, and he had therefore withdrawn it. The hon. member then moved the second reading of the bill.

Mr. *Abercromby* observed, that though there were no questions more important than those which proposed alterations in the existing law, there were none into which the House entered with greater reluctance, or which it was more difficult to carry in the affirmative, owing to the small but compact body which regularly opposed them. As his hon. friend had devoted hours, days, and months to this subject, as he had given up to it the whole of his time, which might have been applied to more profitable speculations, he trusted the House would pay the utmost attention to the various clauses and enactments of his bill. As he had no objection to the greater part of them, he should reserve the observations which he had to make upon them, until the House went into a committee. He was, however, inclined to make a suggestion to his hon. friend, without which he was perfectly convinced that the bill could not possibly pass. He would separate it into two bills, and would embody in the first all that was matter of

regulation in the practice; and in the second all that was matter of improvement in the existing law. It was his opinion, that if his hon. friend carried the first of these bills, he would carry all that he ought; for, paradoxical as it might appear, the bill seemed to him to go too far, and not to go far enough. It went too far in imposing new duties on the commissioners; but it did not go far enough, because it was impossible to render the bankrupt law such as it ought to be, unless there was a total and radical change in those who have to administer it. He made this statement in the spirit of candour, and not with a view of impugning the conduct of the commissioners, of whom he himself formed a part. On the contrary, he felt assured that those gentlemen discharged their duties in the most creditable manner it was possible that they could be discharged, under the circumstances in which they were placed. He thought, however, that fresh duties ought not to be imposed upon them, because the businesses in which they were already involved, were of a nature sufficiently complicated. The law could never be properly administered until the commissioners devoted their whole time to the administration of it; because it was too much to expect of any men, that they should neglect their own private clients, in order to attend a commission of bankruptcy, from which they derived inferior emoluments. To add, therefore, fresh duties to those which the commissioners already had to perform, would be to impose upon them duties which would clog the machine much more than it was clogged under the present system. The learned gentleman then animadverted on a clause proposed to the House in the bill then before it, allowing a man to make himself a voluntary bankrupt, and said that it would open a door to a species of fraud which would be attended with the greatest inconveniences. He agreed with his hon. friend upon the propriety of repealing that part of the bankrupt law which inflicted capital punishment, and expressed a hope that, whatever the fate of the bill itself might be, the sanguinary enactments of the present system might at least be obliterated from the statute book.

Sir *J. Newport* bore testimony to the unwearied assiduity of the hon. gentleman who had prepared this bill. Whatever benefit might arise from it, the country would be indebted for it to his hon. friend.

Mr. Alderman *Waithman* had some objections to different clauses in the bill, but agreed with the principle of it as far as it went.

The bill was then read a second time.

Barnstaple Election.] Lord *Clive* moved, that the report of the committee on the Barnstaple Election to be taken into further consideration. The noble lord read the two special resolutions to which the committee, of which he sat as chairman, had come. (See p. 933). He said, that the testimony of the witnesses examined before the committee completely justified these resolutions. Of the number of resident voters, which did not much exceed 300, 66 had received bribes from sir M. M. Lopes, who had expended 3,000*l.* at the last election, in bribery and treating, through a banker, Mr. J. Gribble. The out voters, who amounted to about 240, received 20*l.* a-piece; the resident electors 5*l.* Mr. Gribble had stated, that the London voters in sir M. Lopes's interest claimed and received 2*l.* more a-piece, because Mr. Ommaney's said they had been so paid. The noble lord submitted, after detailing these and other facts, that the committee were justified in the opinion they offered to the House. The number of voters was considerable. The modes of acquiring the freedom of the borough were three—birth, servitude, or creation. The committee were anxious to increase the number of freemen, that such disgraceful proceedings as had lately taken place should not again occur. The noble lord expressed a wish that some member, more able and better acquainted with the subject than himself, would originate some measure, in consequence of the resolutions of the committee, should those resolutions be agreed to by the House.

Sir *J. Newport* expressed a hope that the noble lord would follow up the proceedings already instituted, with such ulterior measure as might be best calculated to support the dignity of the House. When bribery had been proved to have existed in Barnstaple to such a gross extent—when it was shown that the trade of manufacturing members of parliament had been carried on there with such unblushing effrontery—it was absolutely necessary that the House should punish the offence, and show that it was laudably anxious at the same time to secure its own dignity and the welfare of the community.

Lord *Compton* said, that this measure could not be in better hands than in those of his noble friend, and in the name of the committee, added, that all the members of it would be extremely willing to afford him every assistance.

Mr. *Bennet* concurred in the sentiments expressed by the noble lord, and hoped the measure would be followed up to the utmost.

Mr. *W. Smith* said, it was a long cherished principle of his mind that some reform was necessary in the constitution of that House, but he also felt that unless some reform were effected, as well in the electors as in the elected, no effective good could be attained. He hoped measures such as were now recommended, would have the effect of introducing some more extensive reform, but although he might not obtain all he desired, he was happy to take whatever he could get.

Mr. *Blake* thought, that though this right had been abused by the electors, the borough ought not therefore to be disfranchised.

Mr. *W. Smith* explained his ideas of parliamentary reform, which, he said had never extended to the absurd doctrines of universal suffrage and annual parliaments.

Mr. *Wynn* observed, that the practice of parliament was not to disfranchise the borough, but to increase the number of voters from the adjacent hundreds. In the present case, the corruption was made out so clearly, that the noble lord would probably see the propriety of introducing a bill with a view to prevent the repetition of such disgraceful scenes. He was sure that every member would gladly lend his assistance towards forwarding such a measure.

Mr. Alderman *Heygate* admitted, that corruption had been proved to a great extent in Barnstaple, and hoped it might be punished with the utmost severity; but the House should pause, and consider whether they might not strengthen the interests of one part of the community at the expense of the rest. Should boroughs be deprived of their exclusive representation, and the right of election be thrown open to the hundred, the interests of the trading and commercial parts of the community might be sacrificed to those of agriculture.

Mr. *Gordon* said that he would support the principle of including the hundred, for the very reason that the worthy alderman opposed it, namely, that it would give a preponderance to the landed interests. He thought the best way of putting an end to the foolish clamour raised out of doors, about annual parliaments and universal suffrage was, to reform each corrupt borough, as its corruption became known, in the same manner as it was proposed to reform that of Barnstaple. The best answer to these senseless and noisy demagogues was, for the House to show that it was always ready to do its duty when called upon.

The first Resolution was agreed to; and on the second being read,

Lord *Clive* said, he did not wish to press himself forward on a task of this nature; yet as it seemed to be the desire of the House that he should proceed, he was willing to obey. His lordship concluded with moving for leave to bring in a bill to prevent bribery and corruption at the election of members to serve in parliament for the borough of Barnstaple.

Mr. *Wynn* recommended the adoption of a resolution as a foundation for the bill to be introduced, and the following resolution was agreed to: "That it appears to the House that a general system of corruption was practised at the last election for the borough of Barnstaple." Leave was then given to bring in the bill, and it was ordered, that the Speaker do not issue his warrant for making out a new writ for the borough of Barnstaple until the 30th of April. Mr. Wynn thought that the House, having thus ascertained the existence of the crime, ought to proceed to the punishment of the delinquent. It was therefore, on his motion, ordered, "That the Attorney-general be directed to prosecute sir Manasseh Masseh Lopes for Bribery at the last Election for Barnstaple."

HOUSE OF LORDS.

Monday, April 5.

BANK OF ENGLAND—CASH PAYMENTS.] The Earl of *Harrowby* presented a Report from the Secret Committee appointed by the House to inquire into the state of the Bank with reference to the question of the Resumption of Cash Payments. The report stated the notice by the Bank of their intention of paying in cash, certain notes issued prior to 1817, which notice had been acted upon and had caused a considerable drain of specie, and recommended, with a view to

the more speedy and effectual Resumption of Cash Payments generally, that the Bank should be prohibited from paying in gold the notes for the payment of which such notice had been given. His lordship stated his intention of bringing forward a legislative measure to-morrow, in unison with the recommendation contained in the report, with a view to the speedy passing of which, he should move that certain of the Standing Orders should be taken into consideration to-morrow, in order to their suspension.

Earl *Grey* expressed his astonishment at the proposition which had so unexpectedly been made, and which had filled him with dismay and confusion. He felt it difficult, indeed, on so sudden and unlooked-for a proposition, to collect his thoughts upon the subject sufficiently to give an opinion. They were now in the fifth year of peace, and the twenty-third since the first restriction on cash payments at the Bank. After repeated promises on the part of ministers, which had never been fulfilled, they at length came to a period at the commencement of the present session, when inquiry was proposed with a view to the resumption of cash payments, which all desired; they were even told that there was a period somewhere about last October, when there would have been little difficulty in the Bank resuming cash payments, and the chancellor of the exchequer, in the House of Commons, had congratulated parliament that there was already a virtual return to cash payments effected by this very measure of paying notes dated prior to 1817. Could it possibly have been supposed, after all this that a proposition would be brought forward to annul this very measure on the part of the Bank, which was thus made the subject of so much complacent congratulation. What was to be inferred from such conduct on the part of his majesty's ministers? No other conclusion could be drawn than this—that their late conduct with regard to the Bank, their late declarations and congratulations, were founded either in folly or in fraud. Either their conduct had arisen from ignorance, or it was the result of deliberate deceit. Out of this dilemma they could not escape; either they knew nothing of the subject respecting which they promised so much, or they were deliberately deceiving those who listened to them. How was he to judge of the necessity of the measure now proposed, when all information was withheld? Undoubtedly, there were some members on the committee whom he highly esteemed and respected but was confidence in them to supersede his functions, and suspend his privilege as a member of the legislature? He could conceive no necessity for such a measure short of that which operated in 1797, to induce the privy council to suspend cash payments at the Bank; and if that case had occurred, he contended that the same course ought to have been resorted to; namely, that the privy council should, upon their responsibility, have directed the suspension of cash payments at the Bank, and then would have come the legitimate functions of parliament to investigate the grounds on which that determination had been come to. This, he maintained, would have been the right and proper course; and that the practice which seemed of late to be increasing, of ministers interposing the shield of parliament between them and their responsibility, broke in upon the proper and constitutional functions of parliament, and led to consequences that no man could foresee or foretel. He had felt it his duty to say thus much upon the very unexpected proposition brought forward by the noble earl, and against which he must now decidedly and solemnly protest.

The Earl of *Harrowby* said, he had not given any notice in his situation as one of the king's ministers, but in his capacity as chairman of the committee, by whom this report had been unanimously agreed to. Neither was there the least foundation for the supposition that this measure was required on the part of the Bank; on the contrary, there was no doubt whatever of the ability of the Bank to make good all their engagements. The reason for the measure was the opinion of the committee, that in order to ensure at the earliest period, the permanent resumption of cash payments, it was expedient to pass the measure alluded to. As to what had been said by the noble earl regarding an order in council as in 1797, there was no analogy between the two periods. In the former case, parliament was not sitting, whilst in the present, parliament was not only sitting, but had actually entered into the investigation of the subject. How, then, could it be said with any regard to constitutional principles, that the privy council ought at all to have interfered?

The Earl of *Lauderdale* said, that if the noble earl meant that the committee were unanimous in the report, he denied that, as he had dissented from it, but if the noble earl meant acquiescence in the object of the report, he undoubtedly admitted that he acquiesced in the views of those who had agreed to the report, and he should feel himself called upon to support the bill when it came before the House.

Lord *Holland* commented upon the extraordinary nature of the proposition of which notice had been given, combined with the extraordinary rapidity with which it appeared to be intended to hurry it through the House. He agreed with his noble friend (earl Grey), that ministers had by their conduct, with reference to this subject, convicted themselves either of ignorance or deceit, the measure now proposed being decidedly at variance with all that they had for some time past held out on the question of the resumption of cash payments. But what did the noble earl (Harrowby) say for this measure? Did he not institute a suit against the Bank, and by alleging that the Bank ought to be prevented from paying the notes which they had given notice they would discharge in cash, in point of fact, charge that body with having adopted a measure either in perfect ignorance of what effects would be produced, or that must necessarily retard the general resumption of cash payments; for this was the character given to these notices of the Bank by the noble earl and the committee? Amidst this inconsistency no reason had been alleged, why the House should be called upon to pass with unexampled rapidity a measure like the present, and therefore he should solemnly protest against it. He decidedly objected to the practice of neutralizing the functions of the legislature by calling upon its members to decide, in the first instance, upon measures which ought to originate with the ministers upon their own responsibility, and then come before parliament for the exercise of their discretion as to the grounds upon which such measures had been adopted. He agreed therefore that the proper course would have been for an order in council to have issued to prevent the Bank from paying in specie the notes they had given notice to pay, and then it would have been for parliament to decide upon the grounds of that measure.

The Earl of *Liverpool* disclaimed the idea that any necessity existed on the part of the Bank for this measure. The Bank were perfectly able to make good all their engagements; nor did they desire or call for any measure of this description. It was the opinion of the committee, without reference to any desire, or otherwise, on the part of the Bank, that the object which all equally desired could not be attained within any period that was desirable, if the Bank were allowed to continue paying a certain portion of their notes in specie. This partial payment in specie so involved the question, and so precluded the obtaining the requisite information to enable the committee to form a judgment upon the subject, that it was thought essentially necessary that this partial payment in specie should be put an end to for a time, in order that the general payment in specie might be accelerated. As to the argument that this ought to have been done as in 1797, by an order in council, it was merely necessary to answer, that the two periods had no similarity. In 1797, the parliament was not sitting, and the privy council was called upon to act, in consequence of information communicated by the Bank, and they wisely restrained the Bank from paying in specie, and threw themselves upon parliament for indemnity. But how was the case now? Parliament was not only sitting, but each House had appointed a committee expressly to investigate the affairs of the Bank, which committee had been sitting for upwards of two months, and had used the greatest diligence in collecting evidence and information? How could the privy council act in such a case? How could the privy council know what evidence had been adduced before the committee? How, then, could the privy council come to any determination upon what they did not know? Had the privy council ventured upon such a step, would there not have been speeches without end from noble lords on the other side, protesting against such an unconstitutional assumption of power? He was decidedly of opinion, that it would have been contrary to all constitutional principles for the privy council to have assumed such a power during the sitting of parliament; and he could not but consider the argument of the noble earl as extremely unconstitutional. He perfectly well recollected that the assumption of such a

power by the privy council in 1797, though called for by necessity, and when parliament was not sitting, was decidedly objected to, as unconstitutional, by the late Mr. Fox, who argued that parliament ought to have been immediately assembled.

The Marquis of *Lansdowne* was anxious that no impression should go forth to the public, that there was any necessity for the proposed measure arising out of the affairs of the Bank. The fact was, that the Bank were perfectly able to fulfil all their engagements, and that no measure of this sort was desired on their part. It was the opinion of the committee, that by allowing a partial payment in specie to operate in the way it did, that permanent resumption of cash payments, which was so much desired, would be retarded.

Earl *Grey* could not agree that any ground had been stated for passing rapidly through that House such a measure as that which was to be proposed, nor could he agree that any thing short of the impending ruin of the Bank, as in 1797, could justify such a measure. He still thought, that the regular course would have been for an order in council to have issued. As to what was reported to have been said by Mr. Fox against the exercise of such a power, he could only say that he was a member of the committee in 1797, and had no recollection of any such objection having been urged by Mr. Fox. He (earl Grey) at that period said, and he was entitled to take credit to himself for his foresight, that the restriction in cash payments then imposed would not be ended in the way anticipated by some, but that it would last for a much longer period than the greater number of those who supported it looked forward to. They had now seen how long the restriction had lasted; and when it was said that this measure was to be brought forward to hasten the period of the termination of the restriction, he could not but consider that it was entirely a pretence, and that the restriction was likely to continue much longer than was now again attempted to be anticipated. He thought the measure pregnant with danger, but aware as he was that several of his noble friends took a different view of the subject, he despaired of being able to produce a contrary impression, and he doubted whether he should attend to-morrow. There being now a question before the House, the only mode he could resort to was to move that the House do now adjourn.

The Earl of *Lauderdale* rose for the purpose of stating, that there was nothing whatever in the situation of the Bank that called for such a measure, that body being perfectly able to fulfil all its engagements. The measure was recommended on grounds that were wholly distinct from any relation to the state of the affairs of the Bank.

The question of adjournment was put and negatived. The standing orders were ordered to be taken into consideration to-morrow, and the Lords to be summoned.

HOUSE OF COMMONS.

Monday, April 5.

Mr. Wyndham Quin.] Mr. *Agar Ellis* withdrew the notice which he had given for a motion for an address to remove the hon. W. Quin from the situation of Custos Rotulorum of Limerick. In doing this he wished to explain that he had intended to found the address on the resolutions which the House had already adopted respecting that member. On reperusing those resolutions he was shaken in his opinion; and several gentlemen of more parliamentary experience whom he had consulted, thought that the words of those resolutions were not strong enough to warrant the proceeding he had contemplated. In what he had done he had been actuated by nothing but a sense of duty.

First Report from the Bank of England Committee — Cash Payments Bill.] Mr. Peel, from the Secret Committee on the affairs of the Bank presented the following Report:

First Report of the Secret Committee, on the expediency of the Bank Resuming Cash Payments.

The Committee of Secrecy appointed to consider of the state of the Bank of England, with reference to the expediency of the Resumption of Cash Payments at the period fixed by law, and into such other matters as are connected therewith; and to report to the House such information relative thereto, as may be disclosed without injury to the public interests, with their Observations thereupon—

"Are engaged in deliberating upon their report, which they hope to be able to present to the House on an early day after the approaching recess.

"The committee having a confident expectation that, in that report, they shall be enabled to fix a period, and recommend a plan, for the final removal of the present restriction on the Bank, think it their duty to submit to the House, that the execution of any such plan would, in their opinion, be materially obstructed and delayed by a continuance of the drain upon the treasure of the Bank, on account of the engagement of the Bank to pay in cash all its notes outstanding, of an earlier date than January 1st 1817, and on account of the payment in cash of fractional sums under 5*l*.

"That the committee therefore think it their duty to suggest to the House, the expediency of passing forthwith a bill, restraining all such payments in gold coin, until the report of the committee shall have been received, and considered by the House, and a legislative measure passed thereupon."

The Report was ordered to be printed.

Mr. *Peel* then said, that in moving for leave to bring in a Bill, founded on the Report which had been read, he was relieved by that Report from the necessity of offering more than one or two observations; both because they would be premature, and because the committee itself had alleged sufficient grounds for the proposition. The object of the bill for which he moved, would be to restrain the issue of sovereigns for fractional payments under 5*l*. in consequence of notices issued in the course of 1816-17, in which they undertook to pay in specie all notes dated previously to the 1st of Jan. 1817. In consequence of these notices issued by the Bank with the best intentions, the treasure of that body had suffered a very considerable drain. Accounts had been presented to the House, of the issues of sovereigns between the 1st Jan. 1816, and the 1st Jan. of the present year, and in that time it appeared, that 4,500,000*l*. had been issued from the Bank. Subsequently to the 1st Jan. last, it also appeared that 700,000*l*. more had been issued; so that the whole that had been issued by the Bank since Jan. 1816, amounted to 5,200,000*l*. The issue of that treasure had not been attended with any good to the nation; and he thought, indeed, it might have foreseen, that unless this issue had been accompanied by a simultaneous reduction of the number of bank-notes, the gold would find its way to those places where there was a greater demand for it. There was little doubt at present as to the place of its destination; for by a report of the minister of finance in France, it appeared, that within the first six months of the last year, 125 millions of francs had been coined at the French mint, three-fourths of which, it was understood, had been derived from the gold coin of this realm. This sum of 125 millions of francs, at the par of exchange, was about five millions sterling, three-fourths of which had been drawn from the Bank of England.—The object of the bill would be, to restrain, till the expiration of the present session of parliament, issues of cash in the manner he had described. The delay would enable the House to consider the subject, and to take the measures which the committee might hereafter suggest. The reasons for this measure lay within a short compass. Whenever the time came for removing the restriction, a large sum in cash would be necessary; that sum considerably exceeded the sum which the Bank had at present in its possession; and as it was manifest, that any diminution of this sum would not be productive of any advantage to the country by its immediate effects, so it was also plain, that this diminution of its treasure would make the Bank more unable to return to cash payments, and would therefore tend to postpone the period for the termination of the restriction. It was for these reasons, and in the fullest confidence that it would tend to hasten the period of cash payments, that he should propose the measure. The committee had stated, in their Report, that they confidently expected, that after the recess they might be able to propose a plan for the speedy removal of the restriction on cash payments: these expectations, he trusted, were well founded; and he could add to this, that he was equally confident, that the restoration of a standard of value in this country, as invariable as the nature of things admitted of, would not be accompanied by those inconveniences which some persons had apprehended. He then moved "for leave to bring in a Bill to restrain the Governor and Company of the Bank of England from making Payments in Cash, under certain Notices given by them for that Purpose."—Mr. Peel then added, as it was of the highest utility that

the measure should pass as expeditiously as possible, he hoped the House would allow it to go through its several stages that evening.

Mr. *Brougham* said, he felt himself, in no small degree, embarrassed by the course taken by the chairman of the Bank Committee, and the House, he was persuaded, would feel itself in the same embarrassment; for a measure was proposed to them, not on their confidence in the responsible advisers of the Crown, not on their acquiescence in the arguments of a committee of their own; but, on the intimation of some particular reasons, and on the allegation of something not explained, which had passed in the committee, they were called on to pass a measure of great importance, not only without discussion, but without the possibility of discussion. This, to say the least of it, was an extraordinary proceeding. When, on another occasion, a great legislative measure was found necessary, on an emergency, the course of proceeding was not only different, but directly opposite. In 1797, the responsible ministers of the Crown having received information on which they could rely, of the danger which attended the issues from the Bank, issued an order in council to restrain them, and then called on the House for its sanction, not suddenly and without discussion, but in the ordinary way, and with all the opportunity of debate which the forms of the House allowed. On that occasion, indeed, the House was not put in possession of all the facts; but a committee was appointed, and on the report of that committee the House proceeded; that report, too, was accompanied with reasons, and whatever part of those reasons were founded on confidence in the committee, they had at any rate reasons, the validity of which they had ample time to examine. The objection which he had now to make was, that ministers had deviated from this precedent; that they had not issued an order in council, and recommended to the House to institute an inquiry, or to refer to the committee now sitting to consider the propriety of their proceeding, after which a measure might have been passed with every opportunity for deliberation and discussion. There were two reasons, on one or both of which the measure might be recommended—its necessity to maintain the credit of the Bank, or its subserviency to ulterior measures which the committee might have to recommend. If it was solely on the first ground that the measure was proposed, he should be prepared to oppose it in all its stages, and even to meet it with that kind of opposition which one set of the forms of the House placed in the hands of a member, and which was probably intended to preserve the rest of their forms from violation. It would be, perhaps, one of the most unwarrantable kinds of proceeding, to commit a violent breach of the forms of the House to protect the House against its own regulations. The Bank had not been compelled to pay the notes issued before 1817; they had the option to pay or not to pay; they gave the notice of payment, and they were bound to make it good. If, therefore, the measure had been founded on the convenience of the Bank, he had no doubt as to the course to be taken; but he had more doubt when it was put upon another ground, which he took to be the real one; that the committee not having finished its investigation, but having made a certain progress in it, not seeing exactly to what end their deliberations would lead, had yet grounds for supposing, that they should conclude by proposing a measure of another nature, to the accomplishment of which this measure, if not necessary, would be mainly subservient. But when the proposition was thus stated, the question arose, why should this measure be hurried through the House with such extraordinary rapidity? The question now came to a balance of evils. If he was persuaded that the measure was necessary, and that if delayed for three or four days, it would be wholly nugatory, he might be content to take the extraordinary step which was recommended; but unless the right hon. mover, and the other members of the committee, could take on themselves to say this, he, for one, could not consent to see the standing orders of the House violated. The right hon. gentleman had increased their embarrassment in no small degree, by entering at all into the arguments in support of the measure. If he had said, "we cannot remove the veil of secrecy, but we assure you, on the credit of the committee, that the measure is necessary; so that if you do not pass it thus rapidly, you may as well not pass it at all;" he, (Mr. B.) should have been more disposed to agree to it than he was at present. The right hon. gentleman, however, had entered into a statement of the reasons of some part at least of the case, and he unavoidably drew them

into a discussion. He had told them that the consequences might have been foreseen of paying the notes of certain dates in cash without a simultaneous reduction of the whole number in circulation. But was there any pressing evil to the country to be anticipated from the continuance for three or four days longer, of the operation which was the consequence of this measure of the Bank. The committee might have some answer to this; but was it merely on the reasons which had been stated, to be taken for granted that if, during two or three years, five millions had been issued from the Bank, in three or four days such a drain would take place that it was worth while to break through all their rules to prevent it? The committee might perhaps have evidence that during the few days that would intervene the issue of cash would be seriously increased; but unless this could be shown, they were not justified in calling on the House for this violation of its proceedings. He could only again regret that the ministers did not follow more closely the precedent of 1797. The king's ministers had indeed on that occasion derived their information, not from a committee, but from private sources; but if some of the ministers had obtained information as members of a committee, it was competent for them to proceed on it, as if they had obtained it from private communication with the Bank. The advisers of the Crown might have issued the order, the consequence would have been, that instead of hurry they would have had deliberation; they would have had all the advantages of promptitude; there would have been still less drain on the Bank; the order might have passed this morning, or in last Saturday's Gazette; and the House might have been called on to indemnify them for what they had done, and, if they saw cause, to render the prohibition complete. Having stated that nothing should have induced him to concur in the measure, if it were merely intended to support the credit of the Bank, he felt it necessary to explain, that if he thought the stability of that establishment, and through it the mercantile credit of the country, were in danger from the payment of old notes and fractional sums, however he might blame the Bank for their improvidence, he should have felt it necessary to protect the country from the consequences of this imprudence. But he would not consent to relieve them from the inconveniencies of their own regulations, though he was convinced the proposers of the measure would use that argument, and that the Bank themselves would not wish it to be understood that their own convenience was concerned.

Lord *Castlereagh* said, the hon. and learned gentleman had stated his opinion so fairly to the House, that he hoped there would be in the end no difference on the question. If the measure had been brought forward simply for the convenience of the Bank or for the support of its credit, it would have been unfit that it should be disposed of in the way now proposed. But they might discuss the measure without any view to the convenience or credit of the Bank; for the credit of that body was so high, that there would not have been any necessity to have interfered between the Bank and its creditors, except for public convenience. He concurred in opinion, that if they could not make out other grounds, the measure would be inexpedient in itself, as well as unfit to be passed thus rapidly through the House. The whole of the question therefore between him and the hon. and learned gentlemen was whether the course of proceeding now adopted was the proper one, or whether the precedent of 1797 should have been followed, in which case the executive first took measures and came to parliament for approbation and indemnity. But there was this marked distinction between the case of 1797 and the present, that though parliament then, as now, was sitting, yet at that time parliament was not deliberating on any measure of general policy with regard to the circulation; but apprehensions were communicated to the government, that the issues from the Bank would not only reduce the coin so as to make it incapable of supplying the purposes of circulation, but would deprive the public of the means requisite for carrying on the war. It was therefore felt at the time, that it belonged to the ministers of the Crown to interpose to protect the country against an imminent danger. The circumstances of the country were now totally different. An inquiry was pending as to the means of resuming cash payments. It would have been therefore an extraordinary step for the ministers of the Crown to interpose between the House and its committee, and before the committee or the House had come to a decision to decide themselves on so important a matter. If the hon.

and learned member would not recommend such a step, as he thought he could not, what could be more proper than that the recommendation should come from the committee itself? It was obvious, that if the measure was to be passed at all, it must be passed with all the rapidity which the forms of the House admitted of. The reason of the proceeding in 1797 was by the promptitude of the measure to guard against the evils of delay; and the House would feel the necessity of acting in this case with the rapidity which was then attained by an act of the executive government. The recommendation came from the committee, in the purest spirit of contributing to the resumption of cash payments at the earliest period. The hon. and learned member understood the subject too well not to know that in proportion as the Bank was unnecessarily drained, the period of the restriction would be prolonged. As to the extent to which the drain on the Bank had already gone, he might remark, that the notices of the Bank issued at a time when the exchanges were favourable, and under the hope of the continuance of those favourable exchanges, were proofs of the *bonâ fide* intention of that body to resume cash payments, and showed that it contemplated that resumption at no distant period. His right hon. friend had stated, from the paper presented to the House, the sum issued by the Bank in sovereigns; but if they looked to other descriptions of coin also, the sum would be found to be still larger than had been stated. A large mass of guineas and half guineas had been issued, and if the sum in these coins and in sovereigns were taken into account, the whole of the gold thus drained from the Bank would be found to amount to not less than nine millions sterling. The hon. and learned gentleman had fairly said, that the question before the House was a balance of inconveniencies; but he trusted the facts would support the measure which was proposed. To-morrow, or the next day, the dividends would be in the course of payment, and he understood that no less than 3 or 400,000*l.* were generally paid on that occasion in fractional payments. If the measure also were not carried through as fast as the accelerated forms of parliament would admit, a notice would be given to all holders of notes of an early date to carry them in for payment. On the grounds, therefore, that the precedent of 1797 could not be followed consistently with the respect due to parliament, and on the knowledge that the time for payment of the dividends was so near at hand, he hoped the House would concur in speedily passing the measure.

Mr. *Tierney* said, that this was one of the most important measures that could be brought before parliament; and if one thing surprised him more than another, it was the extraordinary composure with which the proposition had been received. Since the order of council in 1797, the Bank had been restricted from paying in cash; but within a few years they had been allowed to resume the payment in cash of all or any part of their notes, giving six weeks notice to the Speaker. They now said that the only remaining chance for the resumption of cash payments, that is, by the voluntary act of the Bank, should be taken away. The Bank by notices of 1816 and 1817, had agreed to pay in cash all notes dated before Jan. 1817; and as to the practice of paying fractional dividends in cash it had prevailed ever since the restriction. It was notorious, that many individuals had collected notes of the description which he had mentioned, without the idea of immediately turning them into gold, but satisfied with having by them what they could at any time obtain gold for, fortified as they were by the promises of the bank and the faith of the legislature. They would now find that the promises of the Bank were worth nothing, and that the faith of the legislature was not more valuable than the promises of the Bank; for those who from excessive wariness, or perhaps from caprice (and in such a country as this, a man should be permitted to indulge his caprices in relation to his own property) chose to possess notes convertible into gold, were cut off by an act of parliament passed through each House in a single night, from the property which was gratifying to their own private feelings. In stating the matter thus drily, he knew not how he could put it more impressively than in that shape. But it would be said, *necessitas suprema lex*, and it was necessary to examine how the question of the issues stood. It was in 1817, that the notices were issued under which the payments were made, and the drain had gone on from that time to this without answering any other purpose than to enable the chancellor of the exchequer to make a speech, to say that cash payments were

virtually resumed. In the last year he had brought in a bill for continuing the Restriction act, and at that time he saw with his eyes wide open, the drain which was then going on more rapidly than at any time since, yet he took no step to stop it. What was the time when this alarm first came upon him? Why, no sooner than this day at 12 o'clock; at any rate, he believed there was not a gentleman in the committee who before Saturday had heard a word either of the danger or the remedy, and, for his own part till yesterday, he should have no more thought of the committee making such a report, than of their doing the most improbable and extravagant thing in the world. The House at large were in the dark, from knowing too little: he, on the contrary, was in a difficulty from knowing too much as a member of the secret committee, and was continually afraid of letting some of his knowledge out. As the right hon. mover had stated that from the facts before the committee, he should adduce reasons for passing the measure, so he (Mr. T.) could bring reasons against it, were he not bound to secrecy. But, to mention a fact that was no secret;—what had been the conduct of the Bank? Their whole object, it was said, was to resume cash payments; they lived in the hope of it, the delay of it was misery. The noble lord was very anxious on the subject: he had laboured to prove, that the less money the Bank had, the less they could pay (for that was the amount of his proposition); but as for the Bank they felt no alarm whatever. They felt anxiety, perhaps, as most people did when they saw their money going out and none returning; but not to that degree that they came to any resolution of the court of directors on the subject; and so quiet were they, that no conversation had taken place between the governor and the chancellor of the exchequer for the last three months. He asked, what was the reason for so rapidly passing this measure? Why, merely upon a mysterious recommendation from the committee, that the adoption of such a measure was necessary, in order to enable the Bank to resume payments in cash. But it was said by the advocates for this measure, that its adoption was necessary to enable the Bank to resume cash payments at some time—it was not stated when. Whether he should ever live to see that time, was nothing to the question. But it was stated, that while gold was at 4*l.* 1*s.* an ounce, it would be quite unjust to call upon the Bank to issue gold at the rate of 3*l.* 17*s.* an ounce. The Bank would no doubt suffer a loss from this difference. But then some loss would at any time belong to the issue of cash payments, and to that loss the Bank must submit. The difference between the Mint and market price of gold, arose out of the issue of Bank paper, and the advance or reduction of the former, depended upon the quantity of the latter. To the Bank, then, it belonged, by regulating its issue of paper to reduce the nominal price of gold. But if those who had the management of the Bank thought proper to issue gold with one hand, while they issued paper to an undue extent with the other, and the consequence was an enhancement of the price of gold, why should such enhancement be pleaded as a reason for postponing cash payments? To admit that reason, would indeed be to allow the managers of the Bank to profit by their own folly. But, allowing that the Bank would suffer a loss of certainly no material amount, this was not a competent reason for suspending the principles which were always understood to prevail in a great commercial country. It was said, on the part of the Bank, that they did not ask for this measure. It was indeed only on Saturday night that the expediency of such a measure was suggested by two hon. gentlemen, the one a Bank director, and the other a gentleman, no doubt, of mercantile consequence. But it was for the House to consider, whether it would allow, upon such a suggestion, all its usual forms to be suspended, in order to carry a measure, of the necessity for which it had no evidence whatever. For himself, he was free to say, that he did not as a member of the committee agree to this proposition. In his judgment, it was quite preposterous to maintain, that to save the Bank from a loss of 350,000*l.* the rules and orders of that House should be suspended, and a very unusual course of precipitancy adopted. The precipitancy adopted in the year 1797 afforded no precedent applicable to the present proposition; for there was no analogy between the two cases. In 1797, the pressure upon the Bank and the exigencies of war, with all the circumstances of that extraordinary crisis, furnished reasons for hurry which did not at all belong to the present times.

Mr. *Ricardo* began by requesting the

indulgence of the House, which he hoped he should experience, especially as he was about to dispute the opinions of the right hon. gentleman who had just spoken with so much eloquence. It appeared to him very extraordinary, indeed, that the Bank should be called upon as the right hon. gentleman argued, to issue gold at 3*l.* 17*s.* while they were obliged to pay 4*l.* 1*s.* for that very gold. Those who obtained the gold upon such terms must, of course, profit by the difference, and they could only derive that profit by acting contrary to law—that was either by clandestinely exporting the gold, or by melting it down. Would parliament consent to allow such a class of persons to obtain profit at the expense of the Bank? Such a class was, indeed, he apprehended, the very last to which parliament would consent to grant any peculiar favour or protection. That the resumption of cash payments by the Bank must be preceded by a reduction of its paper issues, was quite obvious. But then that reduction ought to be gradual, and in order to enable the Bank to resume its cash payments, such a measure as that now proposed appeared to him essentially necessary. He approved of the views of the right hon. gentleman as to the provision of an adequate guard against the repetition of the dangers, hitherto resulting from the improvident conduct of the Bank. He also agreed, that before the Bank could pay in gold, it must take measures to replenish its coffers, and that to replenish its coffers by providing an adequate supply of gold, it must reduce its issue of notes. But, with a view to enable the Bank to resume its payments in cash, he was decidedly of opinion that the proposed measure was essentially necessary, and was sorry that it had not before now been adopted.

Mr. *Manning* regretted that the right hon. gentleman opposite should have applied the term "stupid" to the proceedings hitherto adopted by the Bank. The payments in specie, which it was the object of this bill to suspend, had been made in concurrence with the wishes of parliament. If the step, therefore, on the part of the Bank, was a stupid one, there were others to share in the stupidity which attached to it. Circumstances, which could not have been foreseen at the time, had certainly, to a great extent defeated the intentions of the Bank, in making the payments to which he alluded. The Bank could not have foreseen the negotiations respecting the French loans, the deficiency in the harvest of 1817, the great importation of foreign corn, and the various events which had so materially affected the foreign exchanges, and disappointed the views of those who thought the course taken by the Bank likely to lead to the best results. With reference to the present measure, he would beg leave most distinctly to say that it was introduced without the previous knowledge or desire of the Bank. The right hon. gentleman had complained of the mode of introducing the measure. On this point, all he should say was, that if any other course than the present were taken, he was sure the right hon. gentleman would have been louder in his objections to it; he would have complained that the privy council had interposed, and deranged the labours of the committee. He thought the present to be the safest course of proceeding which the House could adopt, and that the right hon. gentleman's objections were ill-timed and futile.

Mr. *Davies* considered the measure as intended only for the convenience of the Bank, and at the expense of the country. They would exchange their flimsy paper for gold, and inundate the country with it.

Mr. *Grenfell* could not conceive on what ground the hon. director could assert, that the measure of 1817 had received the concurrence of parliament. If the parliament were satisfied with one part of the measure, they could not be said to be satisfied with that which accompanied it—the extension of the Bank issue.

Mr. *Manning* explained, that all he meant to state was, that the conduct of the Bank had met with general approbation.

Lord *A. Hamilton* conceived the measure to be only a continuance of the system of restriction; with this difference, that when such a measure was proposed before, some grounds were stated for it, and those grounds discussed; but at present it was to be carried without any discussion of its merits. The only authority the House had was, that the measure was conceived necessary by the committee; but why it was so conceived was not explained. He looked upon it merely as part of that system, where the government, professing a wish for the resumption of cash-payments, were still determined to act with the Bank in preventing them.

Sir *J. Newport* said, he never entertained a stronger conviction of the necessity of any measure than of that before the House. If he were an advocate for the continuance of the restriction, he would most certainly oppose the present motion; but he would support it, because he did not give credit to the Bank for sincerity in their declared willingness to resume cash payments, and wished that measure to be pressed upon them. If it were argued that an order in council might effect what this measure was intended to secure, he should say, that he did not know any measure more dangerous and more monstrous than such a one would be. When the House had confided the examination of the matter to a committee, who had the best possible means of getting information upon it, he thought it would be monstrous, if the ministers of the Crown, who could not be supposed to possess such information, were to take the matter as it were out of their hands, and advise the passing of such an order in council; which order would afterwards, in order to its being approved by the House, in all probability, be sent before the same committee for consideration. He thought that it was sufficient, that the committee had stated the measure to be necessary in order to facilitate the eventual general resumption of cash payments.

Mr. *Calcraft* said, it was a bad precedent, that, without any information, the House should be called upon to legislate in this hasty way; and for what?—that the Bank might be saved the issue of 700,000*l.* in specie. He did not believe that the Bank could or ought to pay at the present moment; but was it worth while to suspend the regular mode of proceeding in the House for such a consideration? He would admit that the Bank ought not to resume cash payments until they were enabled to do so in full; and he did not object to the principle, but to the mode of the present measure.

Mr. *Canning* said, the particular grounds of the measure could not be stated, as that would tend to destroy the very object which the committee had in view. The House had appointed a committee to examine into the state of the Bank with respect to the expediency of resuming cash payments; and if they had, as he conceived they ought, a proper confidence in that committee, that should be a sufficient ground for adopting a measure which they had declared to be necessary. The hon. gentleman who spoke last had only objected to the mode, not to the principle, of the proposed measure; but the mode was only adopted, in order to procure that celerity in its progress which could not otherwise be acquired. The House must feel that the particular reasons which induced the committee to propose this measure could be known only to such members as composed it, and that such information could not be made public without risking the advantages which were expected to be derived from it. Grounds for the measure supposed to actuate the committee were assumed; but he could assure the House that he should give a direct contradiction to those grounds did he not believe that the publicity of the real cause would only tend to aggravate the evil which it was intended to avoid and also that he should in doing so be violating that secrecy which was imposed upon all the members of the committee. It had been said that the mode was objectionable, and that that which was adopted in 1797 should be followed in preference. But it should be recollected, that, in 1797, the government did adopt an instantaneous remedy, by the orders in council, and afterwards came to parliament for its sanction. True it was, that the Bank, if it pleased, might have refused to obey those orders in council, and the creditors of the Bank might have disputed them; but then it was not probable they would, and it was seen they did not. The danger was seen, and the remedy was immediately applied: the government wisely judging, that a discussion of its merits at the time would only tend to augment the danger which it was intended to avoid. The government at the present moment could not know officially that this measure was called for. It was true, that some of its ministers formed part of the committee, but he had yet to learn that they could, without the permission of that committee, act upon any information which they might derive in their capacity as members of it. He would admit that the present measure might look like a continuance of the Bank restriction; but then, what was to be done when the majority of the committee firmly believed that the present system would lead to danger, and that they could not expect to come to that result which was ultimately hoped for, unless this measure was carried?

Lord *Althorp* could not allow the con-

sideration of any loss the Bank could sustain between the bullion and mint price of gold, to weigh with him in the discussion of the question. If the Bank should be losers in their endeavours to replenish their coffers, it was also to be recollected that they had gained considerably by the restriction on cash payments. It was not enough to say that a loss would be incurred, as it was impossible, under the present system, to return to a metallic currency, without a sacrifice. He could not see, in the reasons stated, a sufficient ground for hurrying the measure in opposition to the standing orders of the House. Every man conversant with the subject acknowledged that the restriction of their issues by the Bank was the best preparation to return to cash payments. Any measure that, in its tendency, led to an interruption to that event, ought to be opposed. Believing, therefore, that the present measure would operate to increase the issues of the Bank, and consequently to increase the difficulty of payment in specie, he could not acquiesce in it.

Mr. *Huskisson* said, that if the motion had only for its object to protect the Bank from the loss or sacrifice which a return to cash payments would produce to that corporation, he should not have given it his support. The noble lord, however, had overlooked the main question; namely, that under the present drain from foreign countries, it was impossible that the treasure of the Bank, if passed into circulation, could remain in the kingdom. He would venture confidently to state, that were the Bank to continue its partial payments in specie, and endeavour to repurchase at any price the treasure it expended it would not advance, but retard the object which the House and the country felt as most important. As the specie thus circulated would not remain in the country, it would to the public be useless, and as affecting the return to cash payments, it would tend to make that more impracticable to the Bank. With respect to the recommendation of the secret committee, it was to be viewed as a preliminary which the committee, contemplating ulterior measures, calculated to prevent the influence of the events that now retarded the return to cash payments, had prospectively suggested.

Mr. *Ellice* wished to state his cordial concurrence in the measure proposed by the committee, and to express his regret that a similar committee had not been appointed two years ago, from which a similar measure might have emanated, and saved to this country a drain of nearly nine millions of specie, which had gone to enrich the treasury of France. It was, indeed, some confirmation of the hopes he had ventured to express at the appointment of the committee, that the most beneficial results might be expected from its labours, to hear a measure of this nature recommended to the House in a report, and a speech from the chairman, founded on principles diametrically opposite to those on which the financial concerns of the country had been conducted for the last two years by the chancellor of the exchequer. That right hon. gentleman had only considered to what rate he could reduce interest, and increase the temptation to capitalists to send their property abroad; and the Bank, to render the result of his measures more certain, had lent their aid, by giving the means to persons so disposed to invest their capital in an issue of gold, which was exported, as soon as it was issued.

The *Chancellor of the Exchequer* said, that when the proper time arrived to enter upon the details of this subject, he should be prepared to show that there was no inconsistency whatever between the principle of this bill, and the principle which governed his other arrangements on this subject. He only regretted that the measure had not been earlier introduced. The fact was, that hopes were entertained last year that the state of exchange might have come round, and obviated the inconveniences complained of.

The House having resolved into a committee on the Bank restriction acts, leave was given to bring in the bill. The House having resumed, the bill was read a first and second time, committed, and reported. On the motion, that it be read a third time.

Mr. *Gurney* said, that before this bill finally passed, he could not abstain from expressing his fear that the measure would be productive of more evil, than could be compensated by any good that might be expected to accrue from it. It was brought forward at a moment of great commercial pressure, and great suspicion in the monied part of the community, and appeared likely to occasion a degree of alarm extremely to be deprecated. The finding parliament run through a bill in this hurried manner, to prevent

the Bank from performing its engagements, wisely or unwisely made, must tend to shake all confidence in any of their future arrangements. It appeared to him a measure, at least singularly timed. The three reasons given for gold having reached an adventitious price were the large issues of Bank notes, the demand for gold for France in consequence of the payments to the allied powers, and the great importation of corn. The Bank issues were lessened. The demand for France was over.—The ports were closed against the importation of corn;—and now, surely, if ever, gold might be expected to find its natural level in this country. In saying this, he wished to guard himself from being understood to be one of those who were sanguine enough to expect that gold should, under the burdens contracted during the late war, ever permanently fall, or indeed be forceably reduced, to the Mint price of 3*l.* 17*s.* 10½*d.* per ounce, without dragging down the prices of all other things to a degree which would render those burdens absolutely unbearable.

The bill was then passed.

Claims on France Bill.] Mr. *Huskisson* presented a petition from certain British claimants on France, who complained of an erroneous construction of the convention of 1815. They prayed to be allowed to be heard by counsel before the commissioners, and, in the event of their decision being unfavourable, having the power of appeal to a competent tribunal.

Sir *J. Newport* found fault with the present commissioners, who did not appear to be acquainted with all the facts under which the claims had originated. It was fit that commercial men should be associated with them. The petitioners had advanced their property on the faith of the treaty of 1786, which provided that no seizure of private property should take place at the commencement of a new war between this country and France, and this was a circumstance which the commissioners ought not to leave out of consideration.

Lord *Castlereagh*, in moving the second reading of the Claims of France bill, assured the House, that in adjusting the claims, the commissioners had shown no favour to any particular class of claimants. The whole number of claimants was 1,046, and the gross amount of the demands about 8,000,000*l.* sterling. To satisfy these demands, the French government had appropriated 133,000,000 of livres, or two-thirds of the whole amount; half of this sum had already been disposed of upon claims adjudicated, those claims being 311 out of 1046. The commissioners had thought it wisest, under all the circumstraces, first to decide upon those claims that were the most simple and least capable of dispute; these had been of a funded character, and had already absorbed about 130,000,000 livres. The commercial claims were of a more complicated nature, and although no class had a stronger case, it had been found best to postpone the consideration of them. With the admitted deductions, they did not now exceed 10,000,000 livres, and indeed they had been found not so numerous as it was at first expected they would have been. In arranging the mode of appeal, some difficulty had been found, as the American loyalists and the Carnatic commissioners afforded no precedent. It was, however, clear that the privy council ought not to be required to go into matters of evidence or account, but that the appeal should be allowed only on points of construction, and such special parts of the execution of the treaty as the king in council might think fit to leave open. To the addition of new commissioners he was decidedly opposed: there were quite enough to discharge the various duties, and multiplication would but create delay. As to appointing commercial men, he did not think that necessary; the individuals now named, were competent to all branches of inquiry that could come before them. If parties wished to be heared by counsel, the commissioners would be ready to admit them; but it was needless to introduce such a provision into the bill.

The bill was then read a second time.

Settlement of the Poor Bill.] On the question that the bill be read a second time,

Mr. *Bankes* said, he could not allow even this stage of the bill to pass without stating that he had great doubts whether it would remove any of the difficulties in the present system, and particularly that of litigation.

Mr. *R. Gordon* wished to know whether any more important measures than these would proceed from the committee on the poor laws. This was the second

year it had sat, and many of its members had talked of their determination to search the subject to the root; yet after all, no radical measure had been recommended by them: nothing but bills of regulation had yet been heard of.

Mr. *F. Lewis* admitted the imperious importance of the subject, and the necessity of some measure to stem a tide which threatened to overwhelm the landed property of the country. He had not abandoned his original intention; but this was a case where delay was not loss of time, or, to use the words of lord Bacon, it was fit "to wait a little, that an end might be sooner arrived at." The topic was one of the greatest magnitude; and before any definitive step was taken, it was necessary to consult the public feeling and opinion. Such a division of sentiment at present prevailed, that it seemed hopeless to begin; and those who had most devoted their time to the subject, were, perhaps, least disposed to act with precipitation.

The bill was read a second time.

Qualification of Members Bill.] Sir George Warrender moved the order of the day for the farther consideration of the report of this bill.

Mr. *C. Tennyson* wished it should be postponed.

Sir *G. Warrender* said, that sufficient time had been allowed for considering the subject, and bringing forward all the objections to it.

Sir *C. Monck* thought, that such an important alteration as this in the qualification required, in order to be a representative for England, ought not to take place inconsiderately. If a Scotch candidate, with only a Scotch qualification, was made eligible for a seat in England, Ireland, and Wales, there should be at least a reciprocity. Now this bill offered no reciprocity. It gave to Scotchmen, or Scotch qualifications, an eligibility to represent counties in England, without rendering Englishmen, on English qualifications, eligible to represent Scotch counties.

Mr. *Gordon* said, that his hon. friend had mistaken the state of the case, from a want of acquaintance with the Scotch laws of representation. In Scotland, the candidate to represent a county, must be an elector in that county. A candidate, for instance, who had estates only in the county of Edinburgh, and was eligible for that county, could not stand for Lanarkshire. An Englishman, therefore, was not placed in a more unfavourable situation than a Scotchman, as the latter could only represent a county in Scotland where he had property, which an Englishman might likewise do. He saw no objection to the bill, which only assimilated the situation of a candidate possessing property in Scotland, to that of one possessing property in England, as regarding English representation, their situation being already alike, as regarded the representation of counties in Scotland.

Mr. *Boswell* contended, that the bill would have no other effect than to put the representation for the counties in the two kingdoms on the same footing. A Scotchman could by it stand for an English county on a Scotch qualification, as an Englishman could stand equally with a Scotchman for a Scotch county on an English qualification. They could both stand alike for the boroughs by former laws. In the Scotch counties, the law affected Scotchmen as much as Englishmen.

Mr. *C. Tennyson* said, that he could not, with satisfaction to himself, discharge his duty to his constituents and his country, without soliciting the earnest attention of the House to that change in the constitution of parliament, which this bill sought to introduce. By an article of the Union, in Scotland none were to be eligible to represent a shire or borough of that country in the parliament of Great Britain, who had not, by the laws of Scotland, been previously eligible to serve in the Scottish parliament. This was a reasonable provision for securing to Scotland the integrity of her intended representation by forty-five members, and had been closely adhered to; for at present, no individual but a person possessing a superiority, or tenancy *in capite* of a peculiar description within a Scottish shire, could represent that shire. But immediately after the Union, it was found that there was no correspondent provision on the part of England; therefore the statute of the 9th Anne was passed, the preamble of which stated, that it was for securing the constitution of parliament; that was, the frame of parliament as then lately constituted by the act of Union, requiring that, in future, no person should represent a county, city, or borough, of England or Wales, without the present well-known landed qualification, situated in England or Wales. This

act was not only, therefore, for restoring the old constitutional community of feeling between the members of that House and the people at large, but also for counteracting that article of the Union in favour of Scotland to which he had referred. He was not aware that any change had taken place in the relative situation of the two countries, to justify the measure of the hon. baronet, which, without offering any equivalent, now sought that Scottish gentlemen should be permitted to represent English, Welch, and even Irish counties, cities, and boroughs, and thus increase the proportion of forty-five members. The two countries were still living under different systems of law, different forms of worship and church government. He was aware that, because Ireland had, at the Union, been admitted to community with England, as to qualification, it was a pretext for admitting Scotland to what was now asked for. But what was done as to Ireland, was conformable to an express provision in the articles of Union with that country; besides, the laws and established religion of the two countries were similar; and, above all, Ireland offered an entire reciprocity. Scotland had no reciprocity which she pretended to offer, except fifteen burgh seats, and those were accessible at the period of the union with that country; and as compensation for this accessibility, the hon. baronet gravely asked for accessibility on the part of Scotland, to 613 seats in England, Wales, and Ireland. He thought Scotland should have reformed the representation of her shires before she asked for this advantage, and then she might have negotiated on equal terms. If parliament acceded to the present demand, they must, by a parity of reason, gratuitously accede to the admission of Scotch peers into that House, or to any other advantage given to Ireland at the Union, for which she had furnished an equivalent. He did not mean to cast the slightest reflexion on that most valuable portion of the House which was returned from Scotland, but he could not discharge his duty without moving as an amendment, "That the Report be considered that day six months."

Mr. *Primrose* thought the bill just, both in its principle and application, and expressed his determination to support it.

Sir *George Clerk* spoke in favour of the original motion.

The report was agreed to, and the bill fixed for the third reading on Wednesday next, Mr. Tennyson having withdrawn his amendment, in order that the debate might be resumed on the third reading.

HOUSE OF LORDS.

Tuesday, April 6.

CASH PAYMENTS BILL.] Mr. Peel brought from the Commons the bill for restraining the Bank from paying in specie the notes under 5*l.* issued previously to the 1st of January 1817. The bill being read a first time,

The Earl of *Harrowby* rose to move that the standing order relative to the progress of bills be suspended, in order that the present measure might pass through its remaining stages forthwith. The noble lord described the nature of the payments which it was the object of the present bill to suspend; and argued that the stopping the partial payments the Bank was now engaged to make, would have the effect of accelerating the general resumption of payments in specie. During the period in which the Bank had been in the practice of making partial payments, between 5,000,000*l.* and 6,000,000*l.* had been drawn from its coffers; and it was obvious that if this drain were allowed to continue, it would tend to retard the desirable object their lordships had in view. He wished it, however, to be distinctly understood, that the present measure was not called for by the committee, with any reference to the convenience of the Bank. The suspension in 1797 had been referred to; but the case was quite different. The Bank was then bound to pay all their notes in specie, and there might have been, from the circumstances of the country, such a drain as would have rendered the immediate fulfilment of that engagement impossible. The present measure related only to a particular description of notes, and those who recommended it knew that the Bank was in possession of treasure far beyond the amount of the notes they had promised to pay.

Earl *Grey* said, that the impression he had received on the first suggestion of the present measure remained unaltered. He could regard it in no other light than that of a renunciation of the principles of finance hitherto acted upon by the present government, and a complete condemnation of all the steps professedly taken by his majesty's ministers and the Bank, for the

purpose of accelerating the resumption of cash payments. He felt it to be his duty to state his opinion of the measure, and to enter his protest against it.

The Earl of *Liverpool* said, he would pledge himself, when the discussion of the general measure should take place, to demonstrate that this bill contained nothing in any degree at variance with the principles hitherto acted upon by his majesty's ministers with respect to financial measures and the Bank. The noble earl had yesterday expressed a doubt as to the opinion which he (lord Liverpool) had attributed to an individual with respect to the transaction which took place in 1797. He was, however, upon reflection, still more convinced, that what he had stated to be the opinion of that individual was correct. There appeared to him no room to doubt that in the discussion which took place on the measure adopted in 1797, Mr. Fox expressed it to be his opinion, that the course which ought to have been pursued was a direct application to the House of Commons. His recollection was besides farther confirmed by the statement of Mr. Fox's opinion in these historical sources of information of what passed in parliament, which had on former occasions been alluded to, and which, whatever might be the imperfections to which they were liable, might surely be relied on for a fact of this kind.

Earl *Grey* said, he had merely stated his impression as to what had passed in 1797. With regard to the historical sources of information to which the noble lord had referred, if he had stated them to be imperfect he could only mean that they were subject to those unavoidable inaccuracies, to which the disadvantageous circumstances under which they were obtained gave rise. He had considered the arguments of Mr. Fox to be directed altogether against the principle of the measure; and he must say, with all the respect he entertained for the memory of that great man, that he still considered an order of council preferable to a direct application to parliament.

The Marquis of *Lansdowne* said, that before consenting to the present measure, he had been particularly solicitous to establish, first, the disposition on the part of the members of the committee to revert to the ancient and approved standard of value, and secondly, the means possessed by the Bank of recurring to that standard of value. Being satisfied upon these two points, it followed that this bill became absolutely necessary to the attainment of the object in view, as without it the fulfilment of that object must be retarded.

The standing orders were then suspended, the bill was read a second time, and the commitment having been negatived, it was read a third time and passed.

HOUSE OF COMMONS.

Tuesday, April 6.

Administration of Justice in Guernsey — Petition of William Berry.] Mr. *Bennet* said, he held in his hand a petition from a Mr. William Berry who had resided several years on the island of Guernsey, which was well deserving of the attention of the House. Mr. Berry stated, that by the laws of Guernsey, a great difference was made between the English born subjects and the native inhabitants, and that in that island every English born person was considered as an alien and a stranger. In consequence of the harsh treatment which the petitioner had experienced under these laws, he had presented a petition to his majesty in council. The result of that petition was, that a commission was issued in 1815, which cost the country nearly 5,000*l.* A report was made in 1816, and yet, up to the present moment, not one step had been taken to remedy the evil complained of, or to establish any of the regulations suggested by that commission. In the island of Jersey also a commission was issued above thirty years ago, and yet not one of the grievances pointed out by that commission had been redressed. This was really a subject of great importance. The petition set forth, among other grievances the great hardships that English residents suffered in the island, in not being considered in the same light as natives. The natives were privileged from arrest, but an Englishman could be arrested for so small a sum as $2\frac{1}{2}d$. Among the municipal regulations which more especially required to be altered, was the system of arrangement which took place in prisons: murderers, felons, maniacs, and debtors, being all confined together. After the recess, it was his intention to move for a copy of the report of the commissioners appointed to inquire into the subject, with the view of founding some measure on it.

Ordered to lie on the table, and to be printed.

BANK OF IRELAND CASH PAYMENTS BILL.] Mr. *C. Grant* stated, that the bank of Ireland, in consequence of certain notices similar to those issued by the Bank of England had been in the habit of paying in cash their notes under 20*l.* As a bill had been passed to restrain the Bank of England from making these payments, it was desirable that a similar measure should be extended to the bank of Ireland, not only on account of the uniformity of legislation which had governed both the establishments, but because there were many supposable cases in which the continuance of the present system, with respect to Ireland would perplex or retard further measures. It was hardly necessary for him to state, that the bill he proposed had no reference to the credit of the Bank of Ireland which had always stood deservedly high, not only on account of the extent of its resources, but the prudence of its management. He trusted the House would see the necessity of passing this bill with the same celerity as that of last night. He then moved for leave to bring in a bill to restrain the governor and company of the Bank of Ireland, from making payments in the gold coin of this realm, under certain notices given by them.

Mr. *Brougham* said, he had heard nothing to make him withdraw the protest he had entered against the bill of last night; on the contrary, all the reasons he had heard in favour of the latter, were hostile to the proposed one. The right hon. gentleman who had introduced the subject last night, had had the advantage of being a member of the select committee and of using the authority of their recommendation in favour of the measure he proposed; but the right hon. gentleman who made the present motion had not stated any grounds drawn from that source, or from any desire on the part of the Bank of Ireland. Last night a statement had been made of the great drainage of specie out of this country, but the House had now heard no statement of facts, nor any thing respecting the opinion of the committee. The only ground alleged to-night in support of the measure was, that of the fitness of uniformity between the two countries; but that was evidently no reason for such a violent proceeding as the present. If the chancellor of the exchequer were now prepared to state generally what had happened this morning at the Bank, perhaps it would justify the call for the dispatch of last night, and be a considerable motive for agreeing to the motion; because what had happened in London might happen in Dublin. But at present they were called upon to adopt so important a change in the absence of any statement of facts, and of the opinion of the committee.

The *Chancellor of the Exchequer* thought, that even the learned gentleman must admit, that if the measure of last night was proper, it ought to be followed up by a similar provision for Ireland. The Bank of Ireland had pursued every step taken by the Bank of England, and if measures were not taken for the protection of Ireland they would not only do a great injustice to the Bank there, but render the measure of last night in a great degree nugatory; for, without such a guard, the force of circumstances would run immediately on Ireland. It was well known there had been a transmission of specie from Ireland to this country for the purpose of exportation, and without this protection it might be carried to a dangerous extent. With respect to the drainage of this morning, he had no information to give. Should it even not turn out to be so considerable as might be naturally expected, the circumstance might be accounted for on the supposition that many persons had been led to imagine, that, in consequence of what had occurred here last night, an application to the Bank for specie this morning would be useless.

Sir *H. Parnell* said, it would almost appear that the committee on Bank affairs had wholly forgotten those of the Bank of Ireland, since no mention was made of them by any member of the committee; and yet it was on a sort of incipient report from that body, that the measure which passed yesterday was founded. He did not wish unnecessarily to inquire what the committee had been doing; but it would be satisfactory to the House to receive the same information, with respect to the Bank of Ireland, which they yesterday received with reference to the Bank of England. The right hon. gentleman had argued, that the Bank of Ireland would, in consequence of the measure adopted yesterday, be more liable to a sudden drain, than the Bank here. But he had left out of his calculation the very small issue of Bank of Ireland notes, compared with the vast number of Bank of England notes in circulation.

Sir *J. Newport* said, it was due to the

Bank of Ireland to say, that, when the restriction was first proposed, so far was it from being a measure wished for by them, that they actually struggled against it. It was thought right that they should follow every step taken by the Bank of England; and they, in consequence, issued the notice for the payment in specie, of notes of a certain date. The question was, whether they would proceed in the same course to the end, or break off here from the precedent which had been so long pursued? He conceived it would be impolitic to depart from the established practice.

Sir *G. Hill* observed, that the bill would have been introduced yesterday, but for the absence of his right hon. friend.

Mr. *Calcraft* said, it was rather extraordinary that the chancellor of the exchequer should imagine the speculators in bullion to be so short sighted as to take the debate of last night for an act of parliament. He thought the right hon. gentleman must know by his communication with these gentry, that however they might respect orders in council, or acts, or any thing which really prevented them from receiving cash, they had not much regard for speeches, and were not to be frightened by these "paper bullets of the brain" from the career of their gain. He could only take it for granted, from what had been said, that the drain on the Bank this day had not been considerable, for if it had, the right hon. gentleman would, no doubt, have been ready to urge it in favour of the measure before them. As to the measure before the House, he had not heard any of those arguments which should induce the House to adopt it.

Mr. *Callaghan* supported the measure, as a corrollary to that respecting the Bank of England.

Leave was given to bring in the bill. It was brought in and read a first time. On the second reading,

Mr. *Brougham* again stated his objections to the rapid proceeding in this bill without reasons alleged. It had been stated by his right hon. friend (Mr. Tierney) that the only question as to the former bill, was as to a sum of 3 or 400,000*l.* He would ask, whether with reference to the Bank of Ireland, any one would take the sum as high as thirty or 40,000*l.*? As this bill was not brought in yesterday, the holders of notes in Ireland would have not one day, as in this country but two days notice, so that within the time given, the notes from Dublin and its neighbourhood might be sent in, and the measure rendered nugatory. If the immediate stoppage of the drain of the Bank of Ireland was of such urgent consequence, why had not the measure been proposed last night? The chancellor of the exchequer, as he was nimble enough, might turn upon him and say that its continuance for a day or two did not signify. If this were said, then the reason for violating the orders of the House was at once taken away.

Sir *G. Hill* said, the bill had not been brought in yesterday on a point of etiquette towards the secretary for Ireland, who was then absent.

The bill then went through the remaining stages, and was passed.

Clerk of the Peace in Ireland.] Sir *John Newport* asked leave to bring in a bill to regulate the appointment and tenure of the office of clerk of the peace in Ireland. His object was, to assimilate, as far as possible, the office of the clerk of the peace in Ireland to the same office in England, and to make the former liable to a statute of William and Mary, exactly in the same manner as the latter was. No clause in the bill which he wished to present to the House was calculated to abrogate the clause of the 49th of the king, generally known by the name of Mr. Percival's clause; his intention was, to leave that act in full force. He intended, however, to introduce a clause, which should make the person holding the office swear, before he entered upon it, that he had not paid any sum or sums of money for it, and that he did not reserve any part of the salary attached to it for any other individual.

Mr. *C. Grant* expressed his entire concurrence with the principle on which the right hon. baronet's bill was founded.

Sir *H. Parnell* suggested to his right hon. friend, whether it would not be advisable, in consequence of the great powers which the clerk of the peace in Ireland enjoyed, from his having to register the different freeholders, to enact that no representative for an Irish county should hold the office of custos rotulorum, inasmuch as great abuses might possibly arise from the connection existing between the custos and the clerk of the peace.

Sir *J. Newport* replied, that the bill which he wished to introduce related to

the clerk of the peace, and not to the custos.

Colonel *Barry* thought that the exaction of such an oath of office as had been proposed by the right hon. baronet was unwise, and bore too hard upon the frailty of human nature. A better way of preventing such negotiations for interest would be to visit the negotiators with heavy penalties, whenever they were discovered.

Leave was given to bring in the bill.

STATE OF DISEASE IN IRELAND.] Sir *J. Newport* rose to call the attention of the House to the state of disease in Ireland, and to move for the revival of the committee of last session, with a view to make farther inquiries upon the subject. It would be recollected that in consequence of the report of the committee of last session, a legislative measure was adopted, and one of the objects of the proposed committee would be to inquire into the effect and operation of that measure. That the measure had done good he was happy to admit. But unfortunately the ravages of disease still continued. Its rage was indeed such in the district with which he was more particularly connected, that within the last twelve months no less than 3,500 patients had been admitted into the fever hospitals of that district. But the want and misery which prevailed among the poor, and which promoted the violence of the fever, was really such that the unfortunate sufferers were better off even in the hospitals than elsewhere; for, out of doors, they were condemned to endure the aggravated distress, which too often drove them back again to seek relief in the hospitals from that disease, which distress mainly engendered. Of the spread and violence of that disease, the House might judge from this fact that in the counties of Dublin, Cork, Limerick and Waterford, no less than 43,000 patients had been admitted into the fever hospitals within a period of 15 months. After stating this melancholy fact, he hoped the House would not think he asked too much in calling for the appointment of a committee to consider of the means of providing some remedy or mitigation for such an alarming evil. If the House should agree with him in thinking that this committee should be appointed, it was his intention to move an instruction, for the committee to inquire not only as to the state of disease in Ireland, and the means best calculated for its removal or mitigation, but as to the state of the labouring poor, and the means of enabling individuals to provide employment for them. Upon this last point, he hoped the committee would exercise the most diligent investigation. It was not his object to propose that the people should look for the means of employment from the public purse, but that private individuals, or associations of individuals, should not have any obstacles thrown in their way towards providing employment for the labouring class. He trusted the House would feel that where such obstacles existed they should be immediately removed, and that whatever could be effected by general regulations towards facilitating the employment of the poor ought to be promptly adopted. It was known, that, according to the opinion of the commissioners for surveying the bogs and marshes of Ireland, there were no less than 2,830,000 acres, which might be converted to purposes of agriculture and pasture. One million of these acres had, indeed, been already surveyed, levelled, and reported upon by the commissioners. What scope, then, did such an extent of land afford for the employment of the labouring poor! But the fact was, that this property was so intermixed, and belonged to such a number of persons, that it was found impracticable to render it so available as could be wished. To provide a remedy then for this deficiency, and to enable individuals, or associations of individuals, to furnish employment to the poor, was one of the great objects to which it was proposed to direct the attention of the committee, who would naturally be led in the progress of their inquiry, into a consideration of the means by which the labour of the commissioners to whom he had alluded might be rendered most productive to the country. As far as the census now in progress had proceeded, it was found, that out of a population of 3,840,000 in certain districts in Ireland, the proportion employed in agriculture, compared to that engaged in manufactures and the mechanical professions, was as 488,000 to 164,000. Such a comparison then clearly demonstrated the necessity of providing every possible employment for the labourers in agriculture, especially as it was found, that without such employment the labouring poor must be destitute of the common

means of support. Without additional employment, indeed, a great mass of the labouring poor must be reduced to absolute beggary. There was no district in Ireland in which the population employed in agriculture were not considerably more than those engaged as manufacturers and handicraftsmen. This was the case even in the principal manufacturing counties of Antrim, Down, Armagh and Derry, where the proportion of agriculturists, to manufacturers and handicraftsmen was as 288 to 83. Hence, then, it was obvious, that nothing should be left undone which promissed in any degree to augment the means of employment for the labourers in agriculture; and hence he was induced to think the point to which he had adverted as of vital importance to the interests of Ireland. The right hon. baronet then moved, "That a Select Committee be appointed to inquire into the State of Ireland as to Disease, and how far the measures, remedial and preventive, adopted by the Legislature or otherwise during the last year, have been effective for its removal or mitigation; and also, into the condition of the Labouring Poor of that part of the united kingdom, with a view to facilitate the application of the funds of private individuals and associations for their employment in useful productive labour; and that they do report their observations, together with their opinion upon these subjects, from time to time, to the House."

Mr. *C. Grant* rose to second the motion of the right hon. baronet, which he considered to be one of the utmost importance. It was of the utmost importance, because it would show the Irish public, that their interests were carefully watched in the British parliament, and because it would show the British public the distress and misery under which their fellow countrymen had been labouring in Ireland. He should commence the observations which he had to offer to the House, by observing, that till the winter set in, the epidemic prevailed very generally. Since that time, a considerable abatement had taken place in Waterford, in Limerick, in Cork, in Clonmel, and in Dublin. The periodical returns, which had been received up to February last, showed a striking improvement; and if he had not had those documents to refer to, a strong proof of his assertions would be found in the average rate of patients which had been admitted nto the public hospital at Dublin during the last three months. In December they had been 90, in January 77, in February 60. Hopes were also entertained, that the Richmond penitentiary would soon be restored to its original intention, and would no longer be wanted as an hospital; so that he thought himself justified in saying, that even in those quarters where the fever had once raged with the utmost violence, a most considerable abatement had lately become visible. This was also proved by a diminution of the pecuniary claims which were made on the government for assistance to the sufferers; and if all these facts should not appear satisfactory, he had yet another. The government had commissioned certain medical gentlemen to make a tour round the whole island, and to inquire into the state of disease within it. They had commenced their tour six weeks ago; and though the total result of their inquiries was unknown, he was happy to say, that as far as it was known, it presented a most gratifying prospect to the country. The fever was, however, so capricious, in its nature, that even if its ravages were much less than they were at present, he should gladly second the proposal of applying for a committee. The hon. member then went into a history of the origin and progress of the fever. In the years 1816 and 1817, the state of the weather was so moist and wet, that the lower orders in Ireland were almost deprived of fuel wherewith to dry themselves, and of food whereon to subsist. They were obliged to feed on esculent plants, such as mustard-seed, nettles, potatoe-tops, and potatoe-stalks—a diet which brought on a debility of body, and increased the disease more than any thing else could have done. The ravages of the fever were also increased by the amiable peculiarities of the Irish character; their hospitality, which would not allow them to turn the stranger from their home, though they might be themselves involved in the deepest distress, their affection to the dead, and all those finer susceptibilities with which they were endowed, had opened the door wide to contagion. He trusted that, dreadful as the calamity had been, by which the nation had been visited, some advantage would be derived from it. He trusted that some means would be taken to prevent its future progress; and hoped that it would show the lower Irish the necessity of fumigating their houses, or separating the sick from the healthy, and of continuing such other

wholesome regulations as had been enforced upon them by their existing distress. The patience with which they had borne that distress was truly admirable, and was not to be paralleled by any thing in history. They had been placed in that dreadful situation, which an ancient historian had so well described in the history of Athens; they had seen that indiscriminate destruction of the good and the bad by one common calamity, which was so calculated to destroy all moral principle, and had seen it without being corrupted by it; they had been collected in large numbers to receive alms, and, what was surprising in a country which had such an indifferent police as Ireland possessed, had not, though suffering under the most acute misery that man could suffer, been guilty of the slightest tumult. Indeed, they had exhibited a patience whilst suffering, and a gratitude when recovered from suffering, that he could never contemplate but with the warmest admiration. The manner, too, in which assistance had been dispensed to the suffering poor, was equally deserving of attention. There had been only one impulse of general benevolence. The clergy of the established church had distinguished themselves by the most exemplary exertions, and the Catholic priesthood had not been found inferior to their Protestant brethren. Their religion, indeed, called them into the closest contact with the dead and dying, and not a single instance occurred wherein they shrunk from their duty. One instance of excelling virtue had fallen within his own knowledge. A Roman Catholic priest was called upon to visit a small cabin, in which six individuals were lying, all violently affected with the typhus fever. The priest had no other means of receiving the dying man's communications, and of administering to him the consolations of religion, than by throwing himself on the wretched pallet upon which the sick man lay, and thus inhaling contagion from its source. The conduct of the medical profession was also beyond all praise. Many instances had occurred wherein men of rising talent and celebrity had devoted themselves to an exclusive and gratuitous attention to the poor. Nor was this philanthropy and benevolence confined to them alone. A gentleman, of the name of Mahony, at Cork, had watched nights and days by the bed-sides of the wretched sufferers, who were either too poor to pay for nurses themselves, or whose nurses, from fatigue or other causes, had desisted from their watchfulness. Many landed proprietors had done the same, and had received a noble return in the gratitude of their tenantry. Those who had been absent from their estates, had lost an opportunity, which he hoped would not soon occur again under similar circumstances, of infixing themselves in the affections of their dependents; and were as deserving of pity, for the love which they had lost, as the resident proprietors were of envy for the gratitude which they had obtained.—The hon. member expressed the gratification which he felt at the method in which the right hon. baronet intended to employ the poor; and maintained, that though there might be some occasions in which the government might interpose to find employment for them, any permanent legislative enactment on such a subject would be nothing more than a delusion, and could not be long attended with beneficial consequences. The hon. gentleman sat down, amidst considerable cheering from both sides of the House.

Mr. *W. Parnell* thought the right hon. gentleman entitled to great praise for his conduct in Ireland, as well as for the generous and just sentiments which he had just delivered. He said, he imputed no blame to the Irish government, although he thought they had carried the principle of non-interference too far. They had also, perhaps, been too economical; but he hoped now to see fresh exertions made, which would eradicate the fever, and remove a disgrace from the country.

Lord *Jocelyn*, as an Irishman, begged to return his sincere thanks to the right hon. secretary, for the speech he had made, and the promises it held out. He trusted that the origin of the fever would not escape the scrutiny of the committee. For two years the lower orders had been in a most deplorable state.

Mr. *Hutchinson* said, that the sentiments expressed by the right hon. secretary, did equal honour to his head and heart. There was one point to which he wished the right hon. gentleman particularly to direct his attention, namely, that which related to absentees. That was a great and crying evil, and could not be too soon remedied. He paid a tribute to the memory of Mr. Mahony, of Cork, who had lost his life in consequence of his attendance upon those who were afflicted with the fever.

Mr. *Callaghan* rejoiced that the interests

of Ireland were committed to an individual at once so able and so well informed. He was of opinion, that the fever originated in general impoverishment, from want of food, raiment, and fuel, in the hard winters. Though bogs might be inclosed, a great deal yet remained to be done to ameliorate the condition of the lower classes in Ireland; the great evil was, in his view, a superabundant population.

Mr. *V. Blake* approved of the course the Irish government had pursued, and recommended that certain sums should be advanced out of the consolidated fund, to be expended in labour.

Mr. Alderman *Wood* said, he found in his visit to Ireland, that the great cause of its distresses consisted in want of capital. He had himself, in the course of last session, introduced a bill, the object of which was to encourage the introduction of English capital into that country. It was intended to enable capitalists to embark a portion of their property in trade, making them answerable only to the extent of the sums so advanced. The bill had passed the Commons, but was rejected in the Lords. Had it been passed into a law, he was quite sure its effect would have been most beneficial.

The motion was agreed to, and a committee appointed.

Royal Burghs Accounts Bill.] The *Lord Advocate* moved for leave to bring in a bill to regulate the mode of accounting in the royal burghs. His object was to render the mode of accounting more effectual than it was at present. He should be most happy to adopt any plan which might be thought better adapted to the purpose he had in view.

Mr *Hume* thought that the measure now proposed was futile and useless. In the present situation of the people of Scotland, they were not disposed to be put off with a bill which would neither relieve their difficulties nor correct the glaring abuses which at present existed. It was admittted on all hands, that some measure was necessary; and it was almost as universally acknowledged, that this bill, now about to be introduced, would have no beneficial effect in correcting the growing abuses.—Leave was given.

HOUSE OF COMMONS.

Wednesday, April 7.

Female Convicts.] Mr. *Bennet* rose to move an address to the Prince Regent, to stay the departure of a vessel destined to convey female convicts to New South Wales. He did not mean to cast censure upon any public office, and was perfectly aware that many abuses had been corrected by recent regulations. The system of transportation, as it had existed for some years, might be said to be at an end. His objections, however, were still many and serious: they were derived from two sources—from the process itself of transportation, and from the manner of conducting it. On the present occasion he should, however, confine his attention to the state of female convicts, whom he considered the process of transportation had a strong tendency to debase and corrupt. Notwithstanding all the precautions which had been devised, it had hitherto been found impossible to prevent a species of intercourse with the seamen, or in other words a personal prostitution, which could not fail to degrade still lower, beings already too low in moral character. A second objection against this mode of punishment was its inequality as applied to different persons. By some it was considered not as a punishment to be feared, but as an advantage to be courted. Those who had families to be separated from, and were bound by strong ties to their native country, might contemplate it with dread; but to the friendless or deserted criminal, it presented the idea of a desirable asylum. A great defect also was, that it offered no example; the punishment was not seen, and did not therefore operate, as all punishment ought, in deterring others from the commission of similar offences. The ordinary class of offenders against the law were not influenced, as had been observed by a French writer, by remote ideas of punishment: it was necessary that the pains and penalties attending misconduct should be obvious to their apprehensions, and scattered around their path. From 1787 to 1818, 2,987 women, being in the proportion of 1-7th of the men transported during the same period, had been sent out of the country. Of 220 women sent from 1816 to 1818, 121 were sentenced to the limited term of seven years' transportation. These women were sent for very different periods, and yet few of them ever returned. Their only means of returning were prostitution. Many of the convicts had received judgment for capital offences, many for minor

ones. Now the act of the 9th of the king, c. 74, had been drawn up on the principle, that persons convicted of minor offences ought to be confined to penitentiaries, and not sent at a great expense to a distant settlement. A learned judge had told him, that on the last circuit he was about to sentence a woman to be transported, when his resolution was changed by the clerk of the peace informing him that it was nearly impossible for women to return. No classification existed on board, but petty offenders were compelled to associate with capital convicts aad hardened delinquents. This appeared to him in the light of a gratuitous infliction of pain, which was discreditable to a great country. He must complain also of the manner in which women were brought from country gaols to one spot, for the purpose of being put on board the vessels destined for New South Wales. One unfortunate girl had been brought from Cambridge, so bound in chains, that it was necessary to saw them asunder. Another had been brought in a state of torture all the way from Carlisle. When once on board, no distinction was observed between the small and the great offender; the girl whose passion for finery had prompted her to commit a petty theft, was placed in the same bed with the shameless prostitute who robbed on system. He held in his hand a letter written by Mr. Marsden, chaplain general in New South Wales, and stating that promiscuous intercourse between the seamen and female convicts had prevailed on board a ship which had carried out a great number of women, previously trained under the care of Mrs. Fry and others, to habits of morality and decorum. The officer commanding the vessel had enforced stricter discipline on its arrival at St. Helena, but the change was attended with hardship and cruelty. Mr. Giles, a missionary on board, declared that the utmost confusion and insubordination had prevailed, and that the convicts and passengers were unnecessarily put on short allowance of water, which produced much suffering, especially amongst the children. There was here evidence on the part of Mr. Marsden, and the House had before been put in possession of evidence, that there was a want of accommodation for the female convicts. A few of them were lodged in a factory at Paramatta, and the rest were obliged to wander in the streets, and to have recourse to prostitution in order to procure the means of subsistence. The misery and depravity of these persons were so great, that Mr. Marsden, who had been a considerable time in the habit of contemplating them, declared that it required all his fortitude to bear the scenes which he had to witness. His object was, to save the female convicts from being sent to the factory of Paramatta; and he, for one, could not consent that any human being, either man or woman, should be sent to New South Wales, till some place was provided for their reception. He had already stated the helplessness and the hardships of the women on board the ships; he had gone out with them, and lodged them in the factory of Paramatta; and he would now show what became of them, when they had arrived there. Mr. Marsden, in a letter which he now held in his hand, said, "The hospital of Paramatta is divided into two wards, one for the reception of men, and the other for women; but as there are no locks on the doors, the men and the women have easy access to each other, in consequence of which the grossest debaucheries take place. I have remonstrated on these things again and again, but no remedy has yet been provided. These regulations are attended with the worst effects. What can be worse than for a clergyman coming to visit the sick, and finding men and women lying promiscuously in the same beds? There has not, for a considerable time back, been either a lamp or a candle in the hospital, nor can either be procured even to watch a dying person; and I have frequently been obliged to grope my way in going to visit the sick at night." This letter was dated on the 6th of February, 1818. He abstained from reading other parts of it, because he did not wish to criminate individuals. Whether the new system of this year, with respect to the regulations on board female convict ships would be better than that of last year, he should not inquire; but he objected to a system under which, when the women arrived at New South Wales, they had no place where they could lay their heads. He was not for letting any ship with female convicts sail from this country, till some place was provided for their reception. He did not say, that no convicts should be sent out, because there certainly was a distinction between the situation of males and that of females. He could not see why the convicts at present under sentence

of transportation in England and Ireland might not be kept at the several houses of correction; for he could not suppose that of these so many were hardened in wickedness that danger might be apprehended from keeping them in the country. He would now ask, after the picture of misery which he had drawn, whether it would be consistent with humanity to consign any more of these wretched females to the hardships which they had to encounter on the voyage to New South Wales, and to the subsequent evils which awaited them on their arrival there? He concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, praying that his Royal Highness would be graciously pleased to stay the sailing of the Lord Wellington Female Convict ship."

Mr. *Wilberforce* rose to second the motion, and trusted that what he was about to say would be the means of producing the universal concurrence of the House. His hon. friend, for the unwearied attention which he had paid to this subject, was entitled to the thanks and the gratitude of the country. What he wished to state, was, that it was not necessary for those who agreed to the present motion, to concur in all the sentiments uttered on the subject by his hon. friend. They were at present engaged in an inquiry into the state of the colony, both with regard to the manner in which convicts were transported thither, and the manner in which they were treated when there; and if they thought that remedies would suggest themselves to the committee now sitting, for the hardships, to which convicts were subjected, both on the voyage and while in that country, he could not think it but right to stay the sailing of this vessel, till the result of the committee's inquiries should be known. He concurred with his hon. friend in the opinion which he entertained of Mr. Marsden's character, and thought the testimony of that gentleman ought to have great weight, although he could not have been aware that a public use was to be made of his letters; for, with the exception of that addressed to the committee, they were all written to a friend in confidence.

Mr. *Bathurst* said, his hon. friend who had last sat down, had stated that those who were not disposed to go all the length of the hon. mover might nevertheless concur in the present motion; and he seemed to think that till the committee had made their report, no more convicts should be sent out. This seemed to go far beyond the present motion; for if he understood the hon. mover, his object was only to prevent women from being sent out. But, for his part, he could not see why men should be sent while the inquiry was going on, and not women. The hon. gentleman had said, that though it might be dangerous to keep men in the country, it would not be dangerous or inconvenient to keep women. But, as an argument for sending convicts out of the country, it might be stated, that the assizes were loaded, and all the prisons in the country full. In point of morality too, he apprehended that the plan would not be favourable: for there had been frequent complaints, that in some of the gaols there was no division between the male and the female prisoners: they had accounts that in some of the best regulated gaols in the kingdom it had been found impossible to make a proper classification of the prisoners, and that in consequence vice was extremely prevalent. He thought, therefore, that to distribute the convicts among the several prisons in the country, would not be an expedient measure. There were at present 180 convicts in the different gaols, of whom forty or fifty were so advanced in years, that it was not thought proper to send them to New South Wales; there were forty of another description, for whom accommodations would soon be provided in a penitentiary; and then there still remained ninety who were not proper persons to be left in the country, and whom it was intended to transport. He was not prepared to deny that there were many inconveniences attending the situation of the female convicts, which did not apply to convicts of the other sex. He was not at present arguing on the propriety of sending out convicts; but in a moral point of view, it might be a question whether morality was not promoted by sending out women to the colony. He complained that the hon. mover had gone too far into the details which were before the committee. The hon. gentleman had said, that the female convicts, on their arrival, were all sent to Paramatta: but this was not the case. On the arrival of a ship, the inhabitants who wanted female servants went to the ship and chose such as they liked. This permission, however, was granted only to married persons. The rest of the cargo was then sent to Paramatta, but not in such a situation as had been represented.

*

Such of them as were refractory were obliged to work at this factory, and perhaps their labour might not enable them to procure a lodging. But here they were employed only till 3 o'clock in the afternoon, after which they were at liberty to work for themselves; and such of them as could procure work would be able to provide themselves with a lodging. With regard to the gross case of seduction which had been mentioned, it certainly did not occur in the ship which was sent out last year, nor was it known when it had occurred; and, therefore, there were no means of ascertaining who the master and surgeon were who had been guilty of such a dereliction of duty. If prisoners were not to be sent out of the country, he should think the best plan would be to have penitentiaries for their reception; but the hon. gentleman should consider, that it could not be the work of a day to provide accommodation for all the prisoners in the country. It had been said that the convicts found great difficulty in returning, when the period of their banishment had expired; but he believed that few ever wished to return, and he mentioned that merely to show that it was no additional hardship. Many of them married and settled in the country; and he thought it was stated formerly that an industrious man in the course of five years might earn as much as would pay for his passage home. He would not say that a woman could earn as much in the same time; but he thought that what he had stated was sufficient to prove that the hardship was not so great as it had been represented. The House ought not to consider that the persons about to be sent out were a number of innocent individuals; on the contrary, they were a set of persons whose bad passions, of every description, it was found most difficult to restrain without strong coercive measures. He could not, on the whole, see that any ground existed for restraining the sailing of the convict ship in question more than any other.

Mr. *Buxton* said, it was stated in evidence before the committee, that the number of females in the manufactory at Paramatta was 150, of whom 120 were nightly discharged with no means but prostitution to maintain themselves. The witness had been asked, how large a proportion of the females supported themselves by prostitution, and the answer was nine out of ten!

Sir *T. B. Martin* did not intend to take up much of the time of the House, as in the few remarks he had to offer, he would not follow the hon. member for Shrewsbury in his rambles to New South Wales. He had heard a great deal said about the height to which vice, and particularly that of prostitution, had arisen in the colony; but, from every thing which he could learn, he believed it was not so great as it was in London. He could not see any end which the detention of the ship would answer, except one, which was a strong argument against it—that if the hon. gentleman wished to wait for the report of the committee, they would have very probably to delay the sailing until nearly the close of the session, at which time the equinoxial gales would be near at hand, and then what a situation would these unfortunate females be exposed to? He gave credit to the hon. gentlemen for those humane feelings which prompted them to such steps; but he thought they were quite mistaken in their application of them on many occasions. If they continued in the same feeling, it would be better to have at once an act of parliament to reform human nature; for, by that means alone, could their views be reconciled to necessary practice.

Mr. *Marryat* said, that from the line of conduct adopted by the hon. gentleman on the other side, one might be led to suppose, that there was no such thing as an executive government. Was the House to suppose that his majesty's ministers were unfit to devise any regulation for the management of the colony? If so, hon. gentlemen had better make a motion to remove them. He conceived that no sufficient grounds had been given for the motion, and should therefore vote against it.

Mr. *Bennet* said, he had not contended that the colony should be abolished altogether, but merely that it was in a state which needed considerable alteration before any more female convicts were sent thither. He had objected to the sending out the present ship, because he saw that the same principles were acted upon as had been continued on former occasions. With respect to the observations on the general system of prostitution among the women, he should beg the indulgence of the House to read one sentence of the evidence taken before the committee. It was asked of one of the witnesses, before the committee, whether the women

convicts in the colony had any other way of getting money but by prostitution? The answer of the witness was, that he was not aware of any. One consequence of their want of money was, that at the expiration of their time they had no means of returning home. Many of them had left families in this country, and of course it might be supposed that they were anxious to return to it. Without any fair means of gaining a sufficient sum to ensure that object, it was not surprising, considering their former habits, that they should have recourse to such digusting means of procuring it as had been mentioned; but there were others differently circumstanced, from age and infirmity. Upon the observation respecting his rambles to New South Wales, he should only say that he was not ashamed of them. He felt it his duty to bring the subject thus frequently before the House, and he would not be deterred by it from the sneers of any hon. member. When the House should have before them the result of the labours of the committee, it would be found, that so far from its being required to pass a law to regulate human nature, it would be only necessary to repeal some of those laws which were constantly tending to deprave it. He had no high opinion of the tender sympathies of ministers on those subjects. He had in his recollection what passed on the subject of convicts in the year 1787, when they were first sent out; when (the House would scarcely believe it) it was proposed and discussed in the privy council, whether the convicts at that time should not be sold to the Bey of Tripoli as slaves. This proposition (the proposition of lord Auckland) was considered, though of course rejected; but it showed how little disposed the government were at that time to attend to the situation of the convicts. At the same time a ship that was sent out with them, had not any settled destination; and the sentences of some of the convicts had expired before they reached the colony to which they were at length consigned. If hon. members would refer to what had been said on this subject by Collins and Hunter, they would find enough to convince them that his statements were not overcharged.

The motion was then negatived.

Oxford City Election.] Mr. *C. Tennyson* said, he rose for the purpose of discharging one of those painful duties which sometimes devolved upon members of that House; a duty, however, of the most important and indispensable nature, and one, therefore, which, however unpleasant it might be to his own feelings, he should be among the last to shrink from performing. He held in his hand a petition, signed by a considerable number of highly respectable individuals, freemen of the city of Oxford, complaining of a flagrant breach of the privileges of the Commons by interference and undue influence on the part of the duke of Marlborough at the last election for that city. It would be in the recollection of the House, that some time since an hon. and learned friend of his (Mr. Denman), presented a petition on this subject, which, bearing, in the judgment of the House, the character of an election petition, it was determined to refer it to an election committee; but the parties to that petition not having designed to question the merits of the election, declined entering into the necessary recognizances, and the complaint in consequence fell to the ground. The petition which (in consequence of the supposed absence of his hon. friend on the professional duties of his circuit) he was then entrusted to present, varied materially in its frame from that which was so disposed of by the House, and was altogether free from those objections which had diverted the former petition from the course that had been designed for it by the petitioners. The petition stated, that his grace the duke of Marlborough being a peer of this realm and a lord in parliament, in violation and contempt of the resolutions of this House, concerned himself in the late election of members to serve in parliament for the city of Oxford; openly interfered by himself and his agents in such election, proposed one of the candidates to a body of the voters; wrote letters to others, and procured their votes for such candidate; expended large sums of money on his behalf, and otherwise used his influence to procure the return of that candidate as a member of that House.—He thought it better then to acquaint the House, that after this petition should have been brought up, he had two others on the same subject to present—one of them was also signed by several respectable freemen of Oxford who had not signed the original petition, and contained a more detailed account of the charge against the noble duke: the other was signed by the mayor

of Oxford and six other most respectable magistrates of that city, confirming the statements in the second petition to which he had referred, and praying the attention of the House to this most important subject. It might not become him as a new member of the House to endeavour to impress upon it the propriety of complying with the prayer of these petitions, by directing to them its earnest and immediate consideration; but he hoped he might be excused for expressing his humble conviction that no matter of privilege more imperiously demanded the scrutinizing investigation of the House than the interference of peers in the election of its members, and he conceived that the House would think it due to its own dignity, to institute a most active and diligent inquiry when such a case as this was represented to be, of open and undisguised interference, was distinctly pointed out to its notice. The charges preferred against the noble duke, the petitioners had fully pledged themselves to substantiate. But though he entirely concurred in their sentiments, supposing those charges to be well-founded, he begged to be understood as in no degree participating in the responsibility of that pledge, which they had so given. At the same time he was fully persuaded, and this persuasion arose from the great respectability of the petitioners, that they entertained a perfect conviction of the truth of their statements; but he sincerely assured the House, and the connexions of the noble duke, if any of them were then present, that it would afford him genuine gratification to find that the petitioners had laboured under a misapprehension respecting the conduct of the exalted individual in question, the very mention of whose name and title brought with it some of the proudest recollections of which this country could boast, and he should most gladly be convinced that the noble duke had not been unmindful of the delicacy of that political station which a peer of this realm holds in the constitution. But if, on the other hand, it should appear that the privileges of that House had been infringed in any one of the particulars stated in the petition, he trusted the House would know how, by some decisive measure, to assert and vindicate those high privileges on the preservation and integrity of which all the freedom we had enjoyed, not only constitutionally, but practically depended. He then moved that the petition be brought up.

Mr. *Bathurst*, after the result of the former petition, could not perceive how this could be received. The petitioners had had an opportunity of proving their allegations in the only way, in which charges of this nature ought to be decided—before an election committee. That was the tribunal to which resort ought to have been had; because the facts charged, if they could be proved, would go to vitiate the election itself; but that opportunity was not embraced; recognizances had not been entered into, and the matter was suffered to drop. He did not see what step the hon. member could take upon it as it now stood, except it would be to move a set of angry resolutions, and they would be productive of no other effect; at least not the effect of removing the member mentioned. He should therefore oppose the petition being brought up.

Mr. Serjeant *Onslow* observed, that there was nothing before the House to justify the conclusion of the right hon. gentleman, that the subscribers to the present petition were those from whom the former petition emanated; and argued, that, from the rejection of the former petition, or the abandonment of that petition by the petitioners themselves, it did not follow that other gentlemen should be precluded from complaining of a breach of privilege; and in this case the breach was alleged to be of the grossest nature. It was the duty of the House, in his opinion, to examine this complaint, not with any view to the angry discussion which the right hon. gentleman deprecated; but in order that, if the duke of Marlborough should appear, upon inquiry to have been guilty of the improper conduct imputed to him, the House might come to an appropriate resolution, condemnatory of such conduct, and also pass an address, requiring the prosecution of his grace, by his majesty's attorney general. The House ought, indeed, in this case, to follow the precedent in the reign of Anne, when sir John Packington complained of a breach of privilege on the part of the bishop of Worcester, in using undue influence at an election for the city. But as this case was of great importance, he thought that time should be afforded for its further consideration, and therefore he moved an adjournment of the debate until the 27th instant.

Mr. *Wynn* thought that the case of the bishop of Worcester was not relevant to

the present question, as it did not arise out of any election petition. He did not know how far the present case ought to be considered as a breach of privileges. As far as he recollected the petition, it stated a distribution of money from the duke among the electors, and that one member had been actually proposed and supported by the duke. It would not, however, be right to receive these allegations as true, without examining into their correctness, as there was scarcely any question which affected an election that did not involve a breach of privilege. He threw out these objections cursorily, and should wish the House to determine whether they were entitled to have any weight.

Mr. *Denman* thought that this petition ought to be read, as the House would then be able to understand the allegations of it. He deemed it to be extremely strange that the rejection of the former petition should lead to the rejection of this also. The question appeared to him to be within a very narrow compass, and to be in plain English, nothing more nor less than this, whether the House would or would not allow their privileges to be violated. When such a question was brought before the House, it was, in his opinion, the duty of the House, to enter into an investigation of it without delay. When he had the honour of presenting a similar petition from the same quarter, within the first fourteen days, it was objected that "here is a petition affecting the return of one of our members in a case upon which a committee is appointed to decide. It may prejudice the minds of that committee, if it be noticed by the House in another shape, and therefore to avoid the consequences the Grenville committee alone should decide upon it." This argument led the House to decide that the former petition should go to a Grenville committee. The fact was, that the former petitioners declined to prosecute their petition in this way, because they were not disposed to incur a most enormous expense of an inquiry before such a committee, the result of which might be the return of a gentleman about whom the petitioners felt no particular interest. The present petition, however, appeared to contain some additional facts as to the breach of privilege, discovered since the former one was abandoned, and as it was not open to the objections urged on the former occasion, he thought that the subject should meet with the serious consideration of the House. If it did not, the situation of that House would be singular, and he could not conceive upon what ground the petition could be rejected, unless it were meant that no breach of privilege of that House should be investigated by the House itself. Was it to be understood that the interference of a peer at an election, or any other violation of the privileges of that House with regard to an election, could be taken cognizance of only before an election committee? All that the House had to do at present was, to receive the petition, and institute an inquiry into the allegations it contained.

Mr. *Goulburn* said, that the learned gentleman had misunderstood the real question under consideration. The question was not, whether the House would not investigate a charge with regard to breach of privilege, but whether it would act according to law by refusing investigation upon such a subject in any other form than that which the law prescribed. For the sake of the character of the House, and the consistency of its proceedings, it became necessary to discountenance a petition of this nature.

Mr. *Tennyson* observed, that as part of what had been said, particularly by the hon. member (Mr. Wynn) attributed to the petition statements which it did not contain, it was, in his opinion, clearly the proper course that the petition should be brought up and read, and then the debate might be pursued upon the question whether it should go to the committee of privileges. The former petition had been (as the House had determined) an election petition, from certain individuals who had not thought fit to prosecute it, and vindicate the privileges of the House at an enormous expense, a situation he thought the petitioners ought not then to have been placed in. The present was a petition and complaint from another set of individuals, upon a matter of privilege, and was quite another question. That it was so would be seen, if the petition was brought up and read. It had on the former occasion been urged in debate, that the parties themselves, who were then sent to an election committee, might, if they did not like to prosecute their case there, prefer another petition, confined to the question of privilege. This course had been taken; and they were now to be told that the matter had been previously disposed of. Surely this would be a most ex-

traordinary proceeding on the part of the House.

Mr. *Denman* supported what fell from Mr. Tennyson as to the petition being brought up and read, and confirmed Mr. T.'s statement as to what had been said in debate on the former occasion.

The *Speaker* said, that it was perhaps only proper that he should remind the hon. gentleman that the former petition did not pretend to be an election petition, but only a petition regarding a breach of privilege. The original question was, that the petition be brought up; the amendment was, that the farther consideration of this question be adjourned to the 27th of April.

The question was then put upon the amendment, and negatived by 13 to 35. The original question, that the first petition be brought up, was negatived without a division.

Mr. *C. Tennyson* then moved, that the second petition be brought up. He could not conceive how any question of privilege, which referred to the interference of peers at elections, could ever be brought under the consideration of the House, if this petition were not received. In the first instance, a petition is presented, the subject of which necessarily contains a mention of the election, at which the interference is averred to have taken place. The moment it appears that the matter of the petition concerns an election, it is voted to be an election petition; the parties, however, are told that they may present a petition confining themselves to the question of privilege, and avoiding all expressions which can be supposed to touch on the merits of an election. Now, he did not know where a person could be found who could shape a petition of this sort, without stating that it belonged to a matter of election. The petition he was about to offer was from other individuals than those who had been before turned round. Their object was merely to inform the House of a gross breach of its privileges, and not to seek for redress for themselves. But the House seemed disposed not even to hear their complaint read; for understanding that it concerned a matter (though a mere matter of privilege) which arose out of, and was connected with the Oxford city election, as to the merits of which a former petition had been presented and disposed of, they were about to decide that it could not be received.

Here a desultory conversation took place between Mr. Bathurst, Mr. Wynn, sir R. Wilson, Mr. Denman, and the chancellor of the exchequer; after which the question for bringing up the second petition was put and negatived.

Mr. *Tennyson* then moved, that the petition of the mayor and other city magistrates, should be brought up. He said he should not regret that this debate had taken place, because it would be a warning which would in future prevent any one from making himself so ridiculous as to bring forward any question of this sort, since nothing but pain and discomfiture could recoil upon the petitioners. In his opinion, the best thing the House could now do, would be to rescind the standing orders of the House which solemnly declares that the "interference of peers is a high breach of privilege," and not by retaining it, delude the credulous and unwary

The question was then put, that the third and last petition be brought up, upon which the gallery was again cleared for a division. The division, however, did not take place, and the question was negatived.

HOUSE OF COMMONS.

Thursday, April 8.

CAMELFORD ELECTION.] Mr. Manning, from the Committee appointed to try the merits of the Camelford Election, stated, that they had authorized him to report to the House, that the sitting members, Mark Milbank, esq. and John B. Maitland, esq. had not been duly elected. Mr. Manning farther informed the House, that the Committee had resolved, "That the Committee feel it their duty farther to report to the House, that it appears to them, that practices the most corrupt have existed in the Borough of Camelford; but that the distinct acts of bribery are not sufficiently established by evidence to justify them in asking the interference of the House." Mr. Manning then moved, "That Mr. Speaker do issue his warrant to the Clerk of the Crown, to make out a new Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Camelford, in the room of Mark Milbank, esq. and John Bushby Maitland, esq. whose election has been determined to be void."

Mr. *Sumner* declared, that this report

was extremely unsatisfactory. The committee had reported, that corrupt practices existed in the borough; and yet they had made out no case of bribery. He should therefore move, that the speaker do not issue his writ until the 26th of April, and that the minutes of evidence taken before the committee be printed.

Mr. *Manning* thought, that very strong grounds ought to be assigned, to induce the House to delay the issuing of the new writ.

Mr. *Grenfell* said, that as the report of the committee expressly declared, that no distinct acts of bribery could be fully established, it was not likely that any good purpose could be answered by the printing of the minutes.

Mr. *Moore* thought that every subject coming before them, which affected the important question of purity of election, ought to receive the utmost attention of the House. It was not merely the borough of Camelford that was here concerned, but the character of that House.

Mr. *Macdonald* was of opinion, that the committee ought to have presented a specific report to the House, as a guide for future proceedings in such cases. It really appeared to him to be the most inane thing that ever came into that House. The committee said, "we are satisfied in our own minds that certain corrupt proceedings existed in this borough, but there are no facts to justify such a step as asking the interference of parliament." He believed there was no precedent for such a proceeding as this. Some of the members of this committee, who were present at the drawing up of the report, had said, "there are no precedents for this, but why should not we establish one?" But, for himself, he had a great respect for precedents. With regard to delaying the writ, what good would that effect, unless there was a hope of being able, in the mean time, to establish a case of corruption?

Mr. *W. Douglas* having been on the committee, said, that when the resolution was proposed to the committee for this Special Report, it was shown that there was a system of corruption existing in the borough, which deserved the attention of the House. The number of electors was only 23, and from this circumstance it would be seen, how easily so small a body might be corrupted. Such corruption as was proved to have existed there, was very nearly connected with bribery, and a strong combination also was proved.

Mr. *Mildmay* said, that every thing was kept so nicely within bounds, that it was impossible to lay hold of a single circumstance upon which to ask the House to interfere. There was one single vote only which could be at all laid hold of; and that was upon so unimportant an occasion, comparatively speaking, that it was not thought worth bringing before the House. He should be happy if the minutes were ordered to be laid before them; and thought some strong resolution was required to mark the sense of the House upon the occasion.

Mr. *S. Bourne* begged the House to remember, that if there had been a majority for the sitting member, he would have been declared duly elected. Was it fair to adopt now such a proceeding as delaying the writ?

Mr. *B. Wilbraham* said, that the committee had sat nearly a fortnight in investigating the merits of a case where there were only 23 electors. They had not been able to produce one act of bribery, and he contended, that in such a case there was no necessity for any delay in issuing the writ.

Mr. *Macdonald* begged to state, that in the only case in which two of the witnesses before the committee were brought in support of the fact of an act of bribery, they gave their evidence in such a way, that both were committed to Newgate.

Mr. *F. Douglas* contended, that it was a report founded on vague surmises only, and could only have been justified, had some specific and distinct case been made out.

The House divided: For the original motion, 103; against it, 15. A motion was then made, "That the Minutes of the Committee be laid before the House;" which, after a short conversation, was negatived.

John Chapman and John Evelyn reprimanded for giving false Evidence before the Camelford Election Committee.] On the motion of Mr. Manning, John Chapman and John Evelyn, who had been committed to Newgate for giving false evidence before the Camelford Election Committee, were brought to the bar, where they received the following Reprimand from Mr. Speaker:—

"John Chapman and John Evelyn, you were reported by the Select Committee appointed to try and determine the

merits of the Petition complaining of an undue Election and Return for the Borough of Camelford, as having given false Evidence;—for this you were both of you committed to the custody of the serjeant at arms attending this House, and afterwards, by this House, committed to his majesty's gaol of Newgate. You now petition the House to be discharged from farther imprisonment, expressing your deep regret for your misconduct. Much is it to be lamented, that the feelings with which you now state yourselves to be impressed, had not at an earlier period suggested something more of consideration for the fairness of your own characters—and something more of respect for the sacred obligation of that oath, by which you were sworn to speak the truth.—You, John Chapman, plead, in excuse for your misconduct, the inexperience of youth, and your ignorance of the forms of this House;—and you, John Evelyn, offer in explanation something of misapprehension of the purport of the question that was asked of you by the committee;—but these are circumstances which can in no way account for or extenuate the misconduct of either of you. If, however, your repentance and contrition be sincere, your own reflexions will be your bitterest punishment. They will remind you of the disgrace and infamy with which you have branded your own characters; and, at the same time that they mark the striking contrast between the lenity of this House and the enormity of your offence, they will teach you, what I hope you will never forget, that truth and honesty are the only means by which this stain can be removed, and your credit be re-established. I am now to acquaint you, that this House, taking into consideration the petitions that have been received from both of you, has ordered your discharge; and you are both discharged, upon payment of your fees."

HOUSE OF COMMONS.

Thursday, April 22.

PETITION OF JOHN BUCHANAN COMPLAINING OF HIS IMPRISONMENT UNDER THE HABEAS CORPUS SUSPENSION ACT.] Sir *R. Wilson* said, he held in his hand the petition of a person of whom he knew nothing more than what was set forth in this statement, but of the correctness of which he had no reason to entertain a doubt. It contained the complaint of one who had been deprived of his liberty, under the powers conferred by an act which had threatened the liberties of all, and who had been stripped of the means of vindicating himself by the indemnity granted to those who had applied for the authority which enabled them to inflict the wrong. This latter proceeding had shown that the late parliament had disgracefully leagued itself with the instruments of oppression, and left no ground for wonder that those who had suffered should withdraw their love and reverence from the government of their country, when they found all access to the sanctuaries of justice shut up against them. The petitioner, John Buchanan, described himself as having been a weaver at Glasgow, and the petition stated, "That the petitioner met, in company with nineteen others, in Hunter's Tavern, Old Wynd, Glasgow, upon the 22nd day of February, 1817 (owing to the pressure of the times), for the purpose of considering the most legal and proper method for prosecuting the reverend doctor John Burns, minister of the barony, Glasgow, for parochial relief, and while so engaged, the sheriff depute of Lanarkshire, followed by his fiscall, officers, constables, patrolmen, &c. entered the said tavern, and said, 'I see 'you are all there, gentlemen; just be 'quiet: don't be alarmed; just be quiet: 'the forty-second is surrounding the house; 'you are all my prisoners;' that the petitioners, considering the violence of the sheriff to be a gross insult upon the liberties of his majesty's subjects, requested him to show his warrant of arrest, but received for answer, 'I am warrant 'enough myself;' neither did he read or show any other warrant; that the petitioner was then ordered to deliver up all his papers, which he did without hesitation, having only one sheet, containing a list of towns, beginning with Manchester, and ending with Glasgow, copied from the Glasgow Herald of the 21st February 1817, and, as reported by the secret committee of the House, did contain secret associations, with the mad design of overturning government; the petitioner was then seized by two constables, one at each arm, and in that position was forthwith forcibly dragged to the common gaol, without being told for what, though he repeatedly requested the sheriff to tell him the same; he was there stripped to the skin, and searched for unlawful papers and weapons, though they found none of

either on him, he was consigned to a cell, not exceeding nine feet in extent, and three-fourths of the said extent covered with a large iron bedstead, a table, a coal bunker, a cupboard, and a stool, leaving the petitioner so little room to exercise himself, that his health and strength failed, to an alarming degree; that the petitioner for the first five days of his confinement was not allowed a bed, aliment, or victuals, nor any thing else, one quart of stagnated water twice per day excepted, all necessaries of life being kept from him with the view (as he supposed) of starving him to death; that the petitioner received on the fifth day of his confinement, and not till then, a straw pallet, and eightpence to provide himself in victuals, coals, washing, and in fact every other necessary of life; this sum he received daily afterwards during his confinement (which was twenty-three weeks), nothing more!!! He was also this day robbed of his ink-piece and pen; he requested back the same, but as yet never received either of them; that the petitioner, along with his fellow prisoners, petitioned the sheriff for an advance of aliment, but received no answer; petitioned him again, received for answer, 'he laughed at it;' that on the 8th day of March, Alexander Calder, sheriff's officer, unwarrantably, and forcibly entered the petitioner's house, forced open the locks of several drawers, took therefrom seven or eight sheets of written papers, and, with the exception of three sheets, these are still kept from him, though he repeatedly requested the same since and before his liberation; that the petitioner's wife and family were reduced to a dreadful state of poverty, owing to his long and close confinement, and only suspended from the horrors of death by the eleemosynary gifts of others, or selling wearing apparrel, or household furniture, for the one-fourth of their value, for providing victuals to satisfy nature, which, together with his own weakness when liberated, reduced him to long embarrassed circumstances; that the petitioner petitioned the House for redress last year, but was answered by a base and corrupt act of Indemnity, for a corrupt ministry and spies; but being assured the old parliament was dissolved, and as he supposes a new one replaced, petitions the House again, trusting candour and conscience will be exercised in his case, even in defiance of the Indemnity act; may it therefore please the House, to take the above petition into their most serious consideration, and grant the petitioner such redress of grievances as may once more raise him to his wonted sphere in society, from which he was brought down by the basest act of tyranny ever exercised over man."

Ordered to lie on the table.

STATE OF THE ESTABLISHED CHURCH IN IRELAND.] Sir *J. Newport* rose, pursuant to notice, to move an inquiry into the State of the Established Church in Ireland. It would be recollected, that in consequence of an address from that House an inquiry upon this subject was instituted in 1806, and that a report from the commission appointed on that occasion was laid before the House in the following year. One great object of this report was, to recommend the residence of the parochial clergy, and the propriety of considering the union or disunion of parishes in that country, by authority of the privy council. The union of parishes was such in Ireland, that in many parts the parish church was too remote from the residence of the Protestant parishioners, and this was obviously such an evil as to preclude the necessity of comment. When pasturage prevailed in Ireland and tithes were, comparatively unproductive, the union of several parishes, with a view to provide adequate subsistence for an incumbent, became a measure of necessity in a great degree. But then that necessity was abated as tillage advanced, and yet the union of parishes appeared to increase with that advancement; for while those unions were but 37 from 1718 to 1780, which was a period of above 60 years, they amounted to 25 within the interval of the 20 following years, namely from 1780 to 1800; and within the last 18 years they were no less than 34. Such an increase of unions appeared to him quite unaccountable, especially as the increase was accompanied by the universal and notorious advance of tillage. Here the right hon. baronet stated several instances in which different parishes were most inconveniently united, ever since the year 1807. These were circumstances to which he felt it his duty to call the attention of the House and the government and both must be aware of the necessity of affording to the Protestants of Ireland an opportunity of performing their religious worship. Of the injuries resulting

*

to the Protestant people and religion, from the causes which he had mentioned, he had received information from various quarters. He had received a letter from a gentleman of the highest respectability, which he thought it proper to read to the House. The writer stated, that within the district in which he resided, and which comprehended a union of four parishes, there was no parish church or resident clergyman; that the incumbent was appointed about eight years ago, but had never since been resident, he holding another appointment in the Cathedral of the diocesan from whom he received the incumbency; that the church which belonged to this union was in ruins although this very church was reported in perfect repair in 1807; that upon the roof of this church falling in a few years after this report, the united parishes subscribed 900*l.* for the erection of a new church—yet no church had been erected, nor had any public worship been since performed in those parishes, but on one occasion at the private house of the writer, where the incumbent thought it inconvenient to repeat that duty. Of this incumbent, the united parishes never saw any thing but when he came to collect his tithes. The bishop had in consequence been appealed to; and had promised to accelerate the building of the church, and to enforce the residence of the incumbent; but yet neither had been done; and in consequence of this want of a place of public worship for Protestants, eleven were induced to attend another place of worship. Here the communication of this writer terminated, and the right hon. baronet animadverted upon the circumstances to which it related. What, he asked, had been done with the 500,000*l.* voted some time since for the erection of churches and the purchase of glebe lands in Ireland, or how came it that after a grant so liberal such a case as that which this writer stated could possibly occur? That some of the diocesans in Ireland were vigilant in enforcing the performance of clerical duties and the residence of the parochial clergy, he was ready to admit. The archbishop of Cashel was particularly meritorious upon this subject. Of the six disunions of parishes which had been ordered since 1807, four had taken place in that archbishopric. But in other parts, the most extraordinary unions had occurred. In order to provide some remedy for such a system, he felt it his duty to move, "that his royal highness the Prince Regent may be pleased to direct an inquiry to be instituted into the present state of the Established Church in Ireland, by a communication with the archbishops and bishops of that part of the United Kingdom, similar in its nature and details with the inquiry instituted by command of his majesty in June 1806 and of which inquiry a full report was, by his majesty's gracious direction, presented to both Houses of Parliament in July 1807; in order that, by an accurate comparison of the results of such inquiries, it may be learned how far the recommendations contained in the former report have been acted upon, and proved effectual for realizing his majesty's benevolent and paternal intentions for the protection and support of the Established Church of that part of the United Kingdom, and particularly for securing to the people of Ireland the beneficial influence of the precept and example of an universally resident body of parochial clergy."

Mr. *C. Grant* rose to second the motion, to the object of which it was his anxious wish to give all the support in his power, being thoroughly persuaded that the strongest hope of the Protestant religion in Ireland was in the enforcement of the universal residence of the parochial clergy.

Mr. *Leslie Foster* concurred with the right hon. mover in deeming the residence of the parochial clergy in Ireland an object of paramount importance, and for that object he believed the Irish bishops were most earnestly solicitous. In order to show that solicitude, he thought it right to lay before the House a summary of what had been done to carry into effect the report of 1807. It was known that in 1807 there were only 950 churches erected in the 1181 benefices in Ireland, so that there were no less than 233 benefices without any parish church. In each of those benefices, however, a commodious church was since built, while several old churches, which were previously more like barns, had undergone complete repair. The bishops and the board of first fruits were not therefore fairly chargeable with inactivity. But with a view to promote the universal residence of the clergy, it was confessedly necessary to provide glebe-houses, and therefore with the money granted by parliament, the board of first fruits had already purchased land for such houses in 239 benefices, and every endeavour was making to conclude similar

purchases in the several parishes in which they were still wanting. With regard to the residence of the parochial clergy until the law of 1808, which assimilated the law of Ireland pretty nearly to that of this country, the Irish bishops had not the power of enforcing that residence; but since the enactment of that law, these worthy prelates had most dilligently used the powers with which they were invested by that law to promote uniform residence. He believed, therefore, that there was now no exception of residence but from ill health, or where a glebe-house was still wanting. The right hon. baronet had mentioned a case of non residence, which could not be heard without astonishment and alarm; but as no name or place was mentioned, it was impossible to form any conclusive judgment upon such a case. The incumbent and the diocesan, who could have so acted, would no doubt have been guilty of a serious dereliction of duty. The right hon. Baronet's statement, as it appeared at present could not be controverted; but if he would mention names, a different view might possibly be presented to the House by a counter-statement. He was glad to hear the justice done by the right hon. baronet to the energy of the archbishop of Cashel; and he was enabled from the best sources of information to do equal justice to the lord primate of Ireland. This respected prelate excused residence only where ill health required indulgence, or where a glebe-house was wanting, while he never allowed any clergyman a dispensation to hold two benefices, without enforcing his residence for half the year in each of these benefices. But really he was led to believe, that in every case of non-residence in Ireland of late years, an adequate cause would be found to exist; and it was due to the Irish bishops who were now no more to state historically, that from the conduct of the Irish parliament in appropriating the tithes of all the monasteries which were left untouched, very little or nothing of tithe was left in many districts of that country for the maintenance of the parochial clergy. This was the case in Connaught and many parts of Munster, and hence former bishops could not consistently enforce the residence of the parochial clergy in such districts. The right hon. baronet had stated that 18 unions of parishes had been ordered by the privy council since 1807; but it should be recollected, that there were six disunions of parishes within the same period; therefore the disproportion was not such as the right hon. baronet's statement would lead the House to believe, especiallyas all the parishes united by the privy council had before been episcopally united from time immemorial. Four of the disunions had taken place in the diocese of Cashel, where tillage, as well as population, was materially increasing. The bishops were indeed, universally impressed with a conviction of the utility of promoting the disunion of parishes and multiplying churches as well as enforcing the residence of the parochial clergy in every case that circumstances warranted.

Mr. *Wilberforce* expressed his wish to promote every measure that promised to urge the clergy of Ireland, as well as those of England, to do their duty. He was happy to hear of the particular testimony borne to the conduct of some Irish bishops. But this was not enough. The House should be satisfied that all those peculiarly entrusted with the care of religion and morals had done their duty; it was incumbent upon parliament to look for this satisfaction, and to show that it was prepared to enforce the performance of duty on the part of all, both high and low, without exception or favour.

Sir *J. Newport* said, that being under no restriction, express or implied, from the party, he would mention the name of the writer of the letter which he had quoted. The writer was colonel Bagot, a gentleman of the utmost respectability. The name of the incumbent alluded to was Cox, who was a connexion of the bishop of Kildare, by whom Mr. Cox was appointed to the incumbency, while he held another situation in the cathedral of Kildare.

The motion was agreed to.

HOUSE OF COMMONS.

Friday, April 23.

Mines' Assessment Bill.] On the order of the day for the second reading of this bill,

Mr. *Morrit* observed, that the principle of this measure had been approved by the last parliament. It was originally brought under the consideration of the House by numerous petitions from Yorkshire, and the greater part of the mining districts. It being a practice that rents should be reserved in ore, it had been originally supposed that they were liable to be assessed

to the poor-rates, as part of the produce of the soil had been so assessed. In 1716 doubts were first raised by some ingenious gentlemen on this subject, and the question had a few years ago been fully argued by the court of King's Bench. It was not his intention to speak disrespectfully of that decision; but he must say, that it had been attended with very serious consequences. It had in fact, at one blow, exempted from the payment of poor-rates the whole mining class of the community. From the statements in the petitions it appeared, that in one parish the number of paupers amounted to 1,867, and that of these upwards of 1,400 were miners, or persons belonging to the families of miners. In one parish the rents of mines were 11,800*l.*, while those of houses and lands amounted only to 6,000*l.*; consequently, in that parish, 6,000*l.* had, under the present practice, to bear the rates which had formerly been borne by nearly 18,000*l.* When the bill should go before the committee, it was his intention to introduce a clause, exempting iron mines from the payment of rates, because he believed their rents had never been reserved in ore; and therefore they could not be taxed.

Colonel *Wood* said, that as far as he was able to judge, the hon. gentleman had confined his observations to lead mines alone; but if this bill were carried into a law, all the mines in the kingdom might be equally liable to be taxed. The hon. gentleman was right when he said that iron mines had never been taxed; and he might have affirmed the same of lead mines. He believed the owners of lead mines had first been subjected to a tax, on the supposition that the ore being found on the soil, made them liable for the rates. But, if the hon. gentleman would refer to the 43rd of Elizabeth, he would find that lead mines had never paid rates. He looked on this measure as one which tended to increase the demoralizing influence under which the poor were already placed. If the present system of the poor laws had a demoralizing tendency, until these laws were amended let no more property be dragged under their operation.

Mr. Alderman *Wood* objected to the bill as being a partial measure, and only calculated to relieve a few parishes in one county. He thought if iron was to be exempted from its operation, copper ought to be equally so.

Sir *James Graham* objected to this bill, as being partial in its operation; if it was general, and went to impose a liability to the poor-rates on all mines, he would not object to it; but he could not agree to tax one species of mines, and that too which was the least able to pay. The hon. baronet concluded by moving, that the bill be read a second time on this day six months.

Lord *Milton* was decidedly of opinion that the bill ought to pass into a law. This measure had been introduced last year, and was not then lost, but defeated by parliament being dissolved; there ought not then to be any prejudice against it, from a supposition of its having been previously negatived. Much had been said about the cheapness with which landed proprietors in the neighbourhood of mines procured labour, but it was to be observed, that the great number of paupers, and consequently of the poor-rates, was caused, not by the landholder, but by the miner; as the work to be obtained at the mines caused an immense increase of population, whereas if there had been no mines the parish would be inhabited by a few farmers, sufficient merely to cultivate the ground.

Mr. *Curwen* said, that the 43rd of Elizabeth had been quoted as authority to prove that lead mines were not originally liable to the poor-rates; but it ought to be observed, that that statute referred to the speculator, and not to the lessee. Though such an exemption was made in favour of the former, yet it had been very properly withheld from the latter. The hon. member said, that the bill had his most cordial support.

The House then divided:—For the second reading, 43; Against it, 77.—The bill was consequently lost.

HOUSE OF LORDS.

Monday, April 26.

Scots Jury-Court.] The *Lord Chancellor* moved the order of the day for the second reading of a bill for facilitating the administration of justice by regulating the jury court. His lordship briefly stated the origin of the act which the present bill proposed to amend. On the motion of a noble lord, a commission had some years ago been appointed to inquire into the administration of justice, and the state of the courts in Scotland. The commission recommended the introduction of the trial by jury in civil cases in Scotland. An

act of parliament was subsequently passed to carry the recommendation of the commission into effect. It was at the same time found convenient, for the despatch of business, to divide the court of session into divisions or chambers; but when causes came before the lord ordinary which it was desirable to refer to a jury, an unnecessary expense was occasioned by bringing the case first before the court. The saving of that unnecessary expense was a principal object of the present bill. It authorized the lord ordinary in the first instance, if he thought fit, or on reference to the divisions, to send the case before a jury. All matters of law were, however, as heretofore, confined to the jurisdiction of the court and the lord Ordinary. The bill also provided for the presence of two judges in the jury-court, and enabled them to consult the court of session, and to make certain decisions, called *sederunts*.

The bill was read a second time.

HOUSE OF COMMONS.

Monday, April 26.

Marriage Act Amendment Bill.] Dr. Phillimore having moved the order of the day for the further consideration of the report of this bill,

The *King's Advocate* (sir C. Robinson) rose, and opposed the further progress of the measure, which he thought not at all called for by the present state of things. He contended, that the House was not yet in a state of information to enable it to proceed upon a matter of so much importance. It was true, that some very hard terms had been employed in the attack made by the learned doctor on a former night, but none of them were warranted by the fact. The learned doctor had contented himself with broad assertions, and had formed his law according to his own notions, but it was by no means calculated to produce any beneficial effect. He then entered into an examination of the origin of the marriage laws, and into the necessity of affording a protection to the young and inexperienced persons who might be made the dupes of designing individuals. He did not deny that there were some defects in the existing law, which it might be fit, at a proper time and with proper lights, to remedy; but not in the general and sweeping manner proposed by the measure now under consideration. He was convinced that the bill suggested was liable to many of the principal objections that had been made to the law as it stood; and in order to establish this point, he read to the House several of the clauses, commenting as he proceeded upon the manner in which they were worded. He particularly directed his observations against those provisions that related to the period within which it should be permitted to those who had married during their minority to set aside the union. He resisted also those sections that referred to the residence of the parties in the parish where the bans were published, for a certain time before such publication. On the whole, he saw no important benefit that could result from the measure, while it would be attended with many practical inconveniences. Under these circumstances, and with these objections, he thought that the law ought not to be altered. He should, therefore move, as an amendment to his hon. and learned friend's proposition, "that the report be taken into further consideration upon this day six months."

Mr. Serjeant *Onslow* contended, that the principle of the bill was good, but thought that there were some of the provisions which might be advantageously omitted, and that there were some deficiencies which might be advantageously supplied.

The *Solicitor General* opposed the bill upon the grounds that it was completely contradictory in its spirit and tendency to the general marriage act. It would be impossible to support the present measure unless the clause by which the marriage of minors without the consent of their parents was declared null and void, should be observed. By the present bill, a principle totally unknown to the English law would be introduced, and unless the House intended to destroy the vital principle of the marriage act, the amendment must be carried.

Sir *James Mackintosh* conceived that this was as important a subject as any that had recently come bfore them, inasmuch as it was one upon which the happiness of society in a great measure depended. He therefore thought himself justified in saying a few words to the House upon the objections which had been urged against the measure of his hon. and learned friend. The first objection adduced against it was, that it would be a departure from the law itself. To this charge he must plead guilty, because

he did not see how any amendment to a law could entirely agree with the law itself. He wished to draw the attention of the House to the manner in which the marriage act had been originally passed. It was not an act of deliberation, but an act of the utmost rashness. Mr. Pulteney, in attending some Scotch appeals, was struck by the harshness of the then existing law. He drew up a bill, which was referred five different times to the judges. After it had been so referred, lord Hardwicke remoulded it, and, driven perhaps by personal altercation into a zeal for the law which he proposed, employed his talents and his influence in procuring its enactment. In two lines of that act, five capital felonies were created. One of its most revolting features was, that it visited with the most severe punishment individuals utterly innocent of crime; that it inflicted a less severe, although still a severe, punishment on individuals who were the least guilty; and that it not only allowed the most guilty individuals to escape with impunity, but in many instances gave them a reward for their treachery and cruelty. The unfortunate children of the marriages against which the act was directed, were declared illegitimate: the unhappy wife was sent back into the world, deprived of her name and her reputation, while the husband, who in many cases might have devised this plan of unmanly triumph over innocence, was rewarded for his guilt, by a liberation from those sacred engagements into which he had basely entered, with the knowledge that he had the power of freeing himself from them at his own pleasure. By that act, passed by the legislature hastily and intemperately, and contradicting in its character the principles by which the great body of the English law had been rendered so venerable—those guards which had been set round the more defenceless part of the community—those protections which justice had afforded to woman against the power and violence, and oppression of man, were weakened, and in many cases wholly withdrawn. After having proceeded at some length in answer to the various objections which had been urged against the bill, the hon. and learned gentleman concluded, by observing, that if they trusted more to immutable nature, and less to the stern operation of law, the intended effect would be more fully and completely produced than it could be by a multiplicity of severe enactments on the subject.

Dr. *Phillimore* said, that agreeing as he did in most of the statements which had been so forcibly urged by his hon. and learned friend who had immediately preceded him, he could not however concur with him in the sweeping condemnation which he had pronounced against the marriage act. The foundation of that act was, that the marriages of minors should be solemnized either with the consent of their parents and guardians, or under such circumstances of publicity and previous notice as should afford to all who had an interest in opposing the union which was about to take place, an opportunity of so doing. Was this objectionable in principle? Surely it was adviseable that minors who, by the policy of the law, were protected in all other contracts, should be protected also in the most important and solemn contract which they could form,—the one, too, in which, from the passions and temptations incident to their time of life, they are most likely to be deceived. The objections to the act—the evils he was anxious to remedy, arose, in one branch of it (i. e. with respect to marriages by licence) from the sanctions and penalties by which the provisions of the act were enforced,—sanctions holding out such encouragement to fraud, and a lure to perfidy, that they were a disgrace to the statute book—penalties so tremendous, breathing such vengeance, as it were, against posterity, that eminent judges in expounding the law, had been compelled to admit that it was intended to operate against the innocent. In the other branch of it (i. e. with respect to marriages by bans), to the facilities by which the provisions of it were evaded. The arguments urged against the bill by the solicitor general were if analysed entirely of a technical nature; those of the king's advocate were resolvable into this, that the House ought never to think of altering a measure which nearly 70 years ago was introduced into parliament by the twelve judges and lord Hardwicke. In the first place, the twelve judges could not introduce any measure into parliament; and in the next, the bill which was submitted to their consideration, never obtained the sanction of the legislature: and with respect to lord Hardwicke it happened most unfortunately for those who wished to shelter their opposition to the present measure under the authority of his venerable name, that he was well aware of the evils of the bill as it finally passed the legislature, and looked

forward to future times to remedy them. Of this there exists most authentic evidence; for in the Hardwicke papers there is a letter from a clergyman (Dr. Birch), who states himself to have been present in the House of Lords when the marriage act was returned with its amendments from the Commons, and who gives lord Hardwicke's opinion in the following words: "The lord chancellor declared his concurrence with all the amendments, though some of them evidently weakened the bill as sent down from that House, since the substance of it was of so much moment to the nation, and these defects might be supplied by a subsequent one." Nay, so strongly did he feel the necessity of revision and reconsideration of the measure, that Dr. Birch reports him to have thus illustrated his ideas on the subject: "He hoped their lordships would act as their predecessors had done in the case of the act of settlement under king William, when the Commons, who were generally thought ill affected to it, clogged it with many impracticable limitations, in order to prevent their lordships from passing it, who, on the other hand, wisely consented to the whole, for the sake of securing the succession itself, resolving to wait for some favourable opportunity to retrench the exceptionable clauses connected with it."* It had been said, that the evils arising from the operation of the law in its present state were of rare occurrence, and he had been called upon to produce examples; he felt considerable surprise at the nature of this demand, and at the quarter from which it was made; for his hon. and learned friend, the king's advocate, could not be so ignorant of all that was passing in the ecclesiastical courts as not to know that those evils were monstrous, and almost of daily occurrence. In the case of Wattle *v.* Hathaway, decided by the delegates in 1789, the woman was a minor at the time of the marriage; the husband obtained the licence, swearing that she was of age—four children were the fruit of their union; being in great poverty, he went to the East Indies, where he amassed considerable wealth; he returned to this country, and 27 years from the date of his marriage instituted proceedings to annul it, on the ground of his wife having been a minor at the time he swore she was of age, and he succeeded in his suit. In Hewitt *v.* Bratcher, the marriage was set aside on account of the minority of the wife, at the suit of the husband, after a cohabitation of 25 years. In Peyton *v.* Salmon, the parties had been married several years—two children were born to them; the man read one of the nullity cases in the newspapers—he knew himself not to have been of age at the time he procured his licence; he instituted a suit to annul his marriage in the Consistory court in 1808; failing in his proof there, he, in 1809, commenced proceedings in the court of Peculiars, and the marriage was declared null and void. In Watson *v.* Little, the marriage took place in 1787; the issue of it were six children; the man obtained the licence on the wife's assuring him she was of age—as she was, within a very few months;—eighteen years afterwards she formed an adulterous intercourse with another man, and then annulled her marriage, and bastardized her children. Walker *v.* Longstaff, before the Consistory in 1812; Balfour *v.* Carpenter before the Arches in 1811; Jeffries *v.* Foster before the Consistory in 1813; Day *v.* Jarvis 1814; Potter *v.* Potter 1814, are all cases of the same description; and there is at this moment a cause pending, in which the cohabitation has subsisted for 22 years; there are 5 or 6 children, and the husband is proceeding to annul the marriage on the ground of his having been a minor at the time it was contracted, he having then sworn himself to be of age, and being within six weeks of 21 years. If this fact is established, the court will have no option but to set aside the marriage. The operation of the law with respect to illegitimate minors is, if possible, more harsh and severe; for in their case it has been held absolutely necessary that there shall have been the previous consent of a guardian appointed by the high court of chancery. Lydiard's case in 1799 is a striking illustration of this. Harriet Lydiard was the natural daughter of Mr. Whitelock and Sarah Lydiard; he recognized her as his daughter, bequeathed to her property by his will, and left her mother and another person his executors and her guardians. She married Mr. Horner at the age of 20, with the consent of her mother and guardian, and it was stated in the licence that she had that consent; three years afterward Mr. Horner set aside this marriage because it had not the sanction of a guardian appointed by the

* See Parliamentary History of England, vol. 15, p. 84.

court of chancery. In Priestley *v.* Hughes, John Wynne married Jane Hughes, an illegitimate child, with the consent of her mother; the issue of that marriage was a daughter; the father died first; the grandfather died in 1796, and at his death considerable property descended to the granddaughter, which was wrested from her in 1809, on proof being made by the heir at law, that Jane Hughes was married without the consent of a guardian appointed by the high court of chancery.—Such is the operation of the law which has been characterized in the course of the discussions this night, by the appropriate epithet of merciful, and such are the amendments of it, which have been stigmatized as unwise and impolitic! Neither the House nor the country can have been aware of the extent and enormity of the evil, or it could not have been so long tolerated and endured. A poet, who well understood human nature, and who had looked deep into the foundations of civil society, described that period as the commencement of civilization and refinement when persons began to cohabit together in marriage and issue was born from such union—

Tam mulier conjuncta viro concessit in unam
Castaque privatæ Veneris connubia læta
Cognita sunt, prolemque ex se videre creatam.

But now the whole order of civilization seemed inverted,—in this our England in the 19th century, it seemed as if it were competent to a husband when sated with enjoyment, to discard his wife,—when elated with prosperity, to get rid of her with whom he had been united and associated in the days of adversity. It was competent to a father, when he was too indolent to maintain his children, to rend asunder all the tender charities of life, and to turn them loose upon society as outcasts and vagabonds.—As to the second branch of the bill, it certainly was most extraordinary, that while the law was so stern and severe with respect to marriages of minors by licence, no protection whatever was afforded to the minor who is married by bans. Bans undoubtedly were the ancient mode by which matrimony was solemnized; and in the simpler stages of society, when the parish minister was acquainted with all his parishioners, no more admirable mode could be devised. The marriage act enjoins, that all bans of matrimony shall be published in an audible manner in the parish church where the parties reside; but by a subsequent clause, it forbids all inquiry after the marriage has been celebrated, into the residence of the parties; the consequence of this is, that banns have ceased to be a publication or notice to parents or guardians; and in the populous cities of this kingdom, the banns are daily published of persons who have no connexion with the places; and the marriage act in this respect is reduced to an entire nullity;—for example, in the three last months of 1817, the banns of 284 couple were published in the parish church of Marylebone; of these 568 persons, all but two were described as belonging to the parish, whereas the fact was notoriously otherwise.—In the case of Paget *v.* Tomkins, William Peter Paget, a boy of 17, married his mother's maid; the banns were published in the parish church of St. Andrew's, Holborn, in which both the parties were utter strangers;—fortunately, the name of Peter was omitted in the publication, and for this omission, the court felt itself authorized to set aside the marriage, which, had the name of Peter been mentioned, must have been indissoluble. In a more recent case, a boy of 17, greatly connected, the son indeed of a member of this House in the last parliament, was in the interval between Eton and College married to the daughter of a huntsman, in a church in the Borough; in this parish the parties had never resided. During the performance of the ceremony the clergyman, struck with the youthful appearance of the young man, interrupted the ceremony to question the parties as to their residence in the parish, and the consent of their parents; all these questions were satisfactorily answered by the mother of the woman, and in spite of this unblushing falsehood, the marriage was so valid that it was feared it would be impossible to annul it. These were anomalies in the law which called loudly for redress—the object was, to render the matrimonial law equal and uniform in its operation, and to strip it of the unjust and unnecessary severity by which it was now enforced.—The hon. member concluded with stating, that his sense and experience of the evils and injustice resulting from the actual operation of the law, had alike induced him to attempt the amendment of it, and that he was anxious to submit this bill to the calm and unbiassed judgment, and consideration of the House.

The question being put, "That the words proposed to be left out, stand part of

the question," the House divided; Ayes, 98; Noes, 27.

List of the Minority.

Arbuthnot, rt. hon. C.	Maconochie, A.
Bathurst, rt. hon. C.	M'Naghten, A.
Brownlow, W.	Montgomery, sir J.
Castlereagh, visct.	Pole, rt. hon. W. W.
Clerk, sir G.	Robertson, A.
Cockburne, sir G.	Robinson, rt. hon. F.
Clive, H.	Shepherd, sir S.
Collett, E.	Scott, right hon. W.
Evans, capt.	Shepherd, H.
Foster, right hon. J.	Stewart, A.
Foster, J. L.	Wallace, rt. hon. W.
Grant, R.	TELLERS.
Holford, G.	Gifford, sir R.
Houston, A.	Robinson, sir C.
Joliffe, H.	

SCOTCH POOR RELIEF REGULATION BILL.] Mr. *Kennedy* rose to move the order of the day, for the House resolving itself into a committee on this bill, and said, that the House had hitherto indulged him by permitting the bill to advance to the present stage, without any statement of its object or of the principles upon which it was founded. He had abstained from saying any thing from the state of the House, when it was read a second time, but he had now some cause to regret the course he had followed, because the subject was one of a most delicate nature, and such as could not fail to excite great interest in that part of the empire to which it immediately related. It was a subject on which it was of peculiar importance, that any one who ventured to make a proposition to the House should not be misunderstood. It was essential that a true view of the intentions in which the measure originated should go forth to the public,—that the public mind should not be permitted to remain in error. He hoped the House would bear with him while he stated as briefly as he could, the object and the bearings of the measure which he had presumed to introduce to their consideration; and which he hoped might not be altogether uninteresting in reference to the difficulties which the same subject presented in England. The measure had been in his contemplation for some time, and about two years ago, when he had not the honour of a seat in that House, an hon. and learned friend of his had given notice of his intention to bring it forward; but the committee on the poor laws had then been appointed, and in deference to that committee, not from any change of opinion, that hon. friend had been induced for a time to abandon it. He felt the responsibility he incurred, and perhaps the presumption which attached to his now bringing it forward, and would have shrunk from the undertaking, but from a conviction that the measure was called for,—that the present was a most critical moment, and that a measure which would now be efficacious, might in a short time come too late. He had resolved, therefore, to run any risk which might be personal to himself, hoping to carry a safe, simple, and efficacious remedy for many evils,—a measure he was happy to say which had received such a sanction from persons connected with Scotland, and from names possessing a weight of authority which could scarcely fail to secure the ultimate success of the bill, without the utmost probability of which it would not be justifiable to call the attention of parliament to the subject.

It would be unnecessary to set out, by stating any very general principles; such views he considered as settled, that it did not remain for him to argue the disadvantages of poor-rates, or the policy of guarding against them, where they yet existed in a mild form. If there were persons who disputed such propositions, who were of opinion, that poor-rates were beneficial to a people, he could not hope to convince them, where others had failed. He should not discharge his duty to the House, in an acceptable way, were he to do more than detail the peculiarities of Scotland: to make as short and simple a statement, as would justify the measure, which he had ventured to introduce into the House. The hon. member wished, in the first place, to advert to the old law and practice of Scotland, respecting the poor, but that, only, as affecting their maintenance. The ancient statute law of Scotland was loaded by regulating enactments, but, amid all its variety, one principle was discernible throughout, and palpably declared: that parochial aid was applicable only to those who from age and infirmity, from personal inability, were unable to maintain themselves. For this purpose, which was so distinctly recognized, various funds had been provided, but always in such scanty degree, as to be invariably somewhat short of the supply which the wants of nature might require. The great fund relied on was, the collection at the church doors, by the parishioners; some other small contingent

funds were also provided; and, last of all, a power was given to raise an aid from the landed property in the parish, by assessment, but it was always looked to as a last resource; and it is believed, that centuries elapsed, during which such aid was, in practice, almost unknown, although recognized in the statute law at an early period. The idea of right, in the poor, was of recent origin, and, for a very long period, was understood and acted upon, and limited by the principle, that every individual was bound to maintain himself by his own labour, while capable so to do, in respect of bodily health and age, and the parish was only called upon to make up that portion of maintenance which he could not earn by labour, or other lawful means. Unfortunately, that happy and primitive state was nearly gone by; the pride which upheld it, humbled, and that independence of spirit, for which Scotland was so much distinguished, greatly broken. In that respect, the country might be considered as divided into three districts. In the mountainous, and thinly peopled parts, the ancient pride was unimpaired, and nothing better than its present condition could be desired. To such districts the measure contemplated would not apply, excepting as a defence, if ever threatened by a different system. Another condition, was, that of the populous districts and towns, which, almost without exception were struggling against the calamity. To such places the bill would afford the means of arresting its progress, and of a gradual return to a natural state. In the southern part of that kingdom, and in the manufacturing districts, their condition, in respect of poor-rates, was less bad than England only in degree, and the amount was most rapidly on the increase. In such places, the operation of the measure would be, to stop the evil where it now was, and thereby give time for a gradual and safe amendment. The state of Scotland must not be mistaken. The House could not, he hoped, impute to him a disposition to unnecessary complaint; but he was aware, that an opinion had of late arisen in the southern part of the empire, that Scotland in respect of poor-laws had nothing to wish for, that she was fit to be held up as a model in respect of system, and of administration under it. The comparison with England was, no doubt most advantageous, but too much confidence, and an indifference to progressive change, would rapidly alter the condition of that country. No one would go farther in acknowledging generally the admirable management respecting the affairs of the poor, for which the country was chiefly indebted to the clergy. In the law of the two countries, the difference was not great, but its administration had been for long most opposite; and the assiduity of the clergy in this duty, could not be too highly appreciated.

But in the modern practice under the law, the threatening calamity had its origin. Courts of law had interfered, and had perverted the spirit and practice of the old law. A new class of persons, as poor, had been introduced, by some denominated "the industrious poor;" those persons who, from other causes than bodily incapacity, could not, or alleged they could not, earn their subsistence. Such were those from whom the whole calamity of poor-rates arose, and for whom the law was not destined to provide, in its original spirit, and long continued practice. They were the only class from whom calamity was to be dreaded because their increase was indefinite; those to whom bodily infirmity gave their claim to aid, nature limited in number, and from them, the country never could have cause of apprehension. For a long period, such was the admirable spirit in which the law was administered, that the country was indebted, for an absence of poor-rates, to an ignorance almost of the law that there was law which could be tortured to the purpose of a mischievous relief, where nature did not demand, and policy did not sanction it. Where a relaxation took place, and knowledge was diffused, that knowledge was speedily followed by a disposition to use its powers. He would not enlarge upon the evil of poor-rates, where completely established; the point of importance was, where they were not yet confirmed, and in such cases the evil was, that relief was given where it ought not, exertion supplanted by relaxed efforts of industry. A habit of expenditure was induced, and once having gained ground, could not be laid aside. Such was the objection to voluntary contribution made to avoid assessments; for, although voluntary, if withheld, assessment would be substituted. Those who administer, and, with all anxiety to discharge their duty faithfully, act upon a principle of compromise, admit rather than contest doubtful claims.

Cheaper to compromise for a sum less than demanded, than resist by law, even successfully, demands, which are made only because something may be gained, and nothing lost. Such the state, that those, with the best intentions, act under an apprehension of the law, yield to importunity where every dictate of policy and real humanity would impel to a steady and inflexible denial of relief. Such the state, that compromise is more prudent, because the recent practice of the law has habituated the courts to a profuse administration of funds, for the wise application of which they are the most unfit and incapable sources of authority. And here it was necessary to advert to a peculiarity in the law of Scotland, that a person claiming relief, was entitled to sue for it *in formâ pauperis*, that he could be subjected to no costs in the event of his claim being unsuccessful and vexatious; but whether that claim were vexatious or well founded, the parish was subjected in great expense; unless it yielded instantly to the demand, it could not be avoided, but by unconditional acquiescence. He could state, that in some parts of the country, this grievance had risen to such a height, that there were persons calling themselves "agents for the poor," who busied themselves in inciting the lower orders to make demands *in formâ pauperis*. Every chance was in favour of the applicant, and this most mischievous instigator; the latter recovered his expenses against the parish; and in this consisted the temptation to him that he might gain a good deal while he incurred no risk under cover of the claim *in formâ pauperis*. Besides, the dreadful evil of poor-rates was, that all classes receiving aid were blended under the name of poor; the really necessitous, with the idle and capable; the modest, humble, and inoffending, with the profligate, undeserving, and presumptuous, charity was suppressed; it ought to be excited and regenerated. He hoped that parliament would not refuse by a timely interference to infuse a healthful action into the system of that country [Hear, hear!]—It was necessary to advert to the provisions of the law in respect of jurisdiction. It had established a local or parochial jurisdiction composed of heritors and kirksessions in country parishes; of kirksessions and magistrates in towns. kirksessions, somewhat resembling English vestries. This body acted as a jury on the parochial subject of relief to the poor, and this applicable to funds such as might be termed ordinary as well as where assessments had obtained; but it was an important peculiarity that assessmentwas imposed by this local body chiefly composed of those who paid it, thus nearly amounting to a self-assessment, and it was most important to observe, that such was the fundamental provision of the law, and those who best knew the interests of the country, and understood this subject, would be most zealous, that this principle should be preserved and fortified. The great evil felt was the control of that local jurisdiction; it was, in some instances, an actual and direct control and interference of judicial authority; in some instances less direct, but in all apprehended if not actual, and such apprehended interference had all the baneful consequences of positive control. Local jurisdiction, acted upon a knowledge of local circumstances and rights, tempered by justice; on a knowledge of wants and interests of individuals, and of the community. When such jurisdiction ceased to be local, it ceased to be wise. A superior judicatory must act upon a strict rule of law and right, each judge interpreting the law by his own discretion; however, vicious the practice to which he might appeal, necessarily disregarding all dictates of discretion, of policy, or original intent in the law. The public mind was enlightened on this subject, but unhappily such an impulse had been given to pauperism, that the most profound views could not, unaided, impose any restraint upon the counteracting force of demands, made under the perverted practice of the law, which all joined in condemning. The progress of truth could not operate, because still there was a quarter into which it could not be heard, because courts of law could not listen to it [Hear!]. Thus a disgraceful conflict between an enlightened public opinion and a strict judicial duty, acted against the spirit of the old law, and while this conflict proceeded, pauperism and profligacy would step in; and it would be vain to say after that they should ever be extirpated [Hear!]. It was his object to prevent such conflict, to reconcile public opinion and the law, and to relieve the administrators of the law from such an odious duty; to provide that they should cease to be the instruments of inflicting a calamity on the country abhorrent to their sacred stations. Therefore take

away control of local jurisdiction, say that it never did exist in a sound interpretation of the law, and that it never should. As the local jurisdiction was the only safe one, make it final and absolute [Hear!].

This brought him to state precisely the import of the measure. A doubt had arisen how far the interference of a superior judicatory in control of the parochial judicatory was or was not authorized by law, whether justices of the peace, sheriffs, in the court of session could exercise a controlling power upon a sound construction of any statutory provision respecting the maintenance of the poor. There was no doubt that such a power had been exercised, but it had now been called in question, and different judges had acted upon a different estimate of the power residing in them. His object was to engraft a measure upon this doubt as to the existing law and to declare that no such control was founded in law, that no appeal from the parochial jurisdiction was legal, upon two points, 1st, the right to relief, 2nd, the amount of relief where it was granted. The measure would be an enabling statute, putting it in the power of those best qualified to act wisely, and in whom the law had already reposed confidence from the earliest periods, to act in a full exercise of their discretion founded upon the best opportunities of knowledge, and prompted by humane feelings. The existing law and practice was disabling. If this bill ever became a statute, examples of signal benefit would speedily be seen, a happy contrast displayed, and he was persuaded that an universal triumph of genuine over supposed benevolence would be established. Charity would be revived, now almost unknown, liberality unfettered, and all the generous impulses of the human heart permitted to act with discrimination and wisdom [Hear! hear!]. The hon. member here enlarged with warmth upon the happy effects which he anticipated to the lower orders, showing how the measure was one of real humanity, and how superficial those views were which could attribute to it severity, or a disposition to injure or oppress, that the poor would not only be perfectly safe, but that those who deserved it would experience all the kindness which could result from a well directed and discriminating benevolence. He concluded by saying that it was impossible to hope that a perfect system could result from any measure where so much suffering was inseparable from human nature, but it was of the utmost moment to gain the great general principle to which his anxious endeavours were directed, and there could be no doubt that wisdom and liberality acting under the protection of the law, and not as now, under the apprehension and dread of its impolitic interference, would speedily arrest the march of the existing evil, and mature a practice eminently beneficial to all ranks in the community, but in particular to the humbler classes, whose interests it ought to be the especial care of parliament at all times to guard [Hear! hear!].

The *Lord Advocate* said, he should not oppose the commitment of the bill, but it appeared to him that the measure would not be attended with that advantage which the hon. member supposed.

The bill was then committed, and several amendments were moved by Mr. Kennedy.

ROYAL BURGHS OF SCOTLAND ACCOUNTS BILL.] The Lord Advocate moved the order of the day for the second reading of this bill for the purpose of postponing it to Thursday next.

Mr. *J. P. Grant* suggested the propriety of postponing the second reading to a later period. The bill introduced by the learned lord last session, to which the present bill was similar, had been almost universally disapproved of in Scotland. He wished that those who were interested in the measure might have time to consider it.

The *Lord Advocate* said, he had withdrawn the measure last session for the purpose of giving time to take it into consideration, and early in the present session he had given notice that he would bring it forward again. In all the petitions from the burghs of Scotland the principal grievance complained of was, the want of a check on the expenditure of the magistrates. A notice of a motion had been given for referring these petitions to a committee. Now, if this bill should pass into a law, one of the principal grievances of the petitioners would be removed. This was ostensibly the great object which they wished, but the true object was parliamentary reform.

Lord *A. Hamilton* said, that in every one of the petitions, it was not the impossibility of forcing the magistrates to account, but the self-election of the ma-

gistrates, of which they principally complained. If the learned lord's bill were as effectual as it would be the reverse for controlling the expenditure of the magistrates, he should still say, that the petitioners would not be satisfied. There never was a bill brought into that House more universally reprobated by those affected by it than the one in question.

Mr. *Primrose* said, he had received an application for the printed bill from the magistrates of Stirling, which he had sent down to them, but no answer had yet been returned to him. In that burgh auditors were appointed by the guildery and incorporated trades; the funds of the burgh were in a flourishing state, and they conceived the appointing auditors under the control of the persons interested in the expenditure the best remedy for the evil which it was the object of the learned lord's bill to guard against. He concluded with moving, as an amendment, that the bill be read a second time on the 10th of May.

Mr. *Hume* said, he had also sent down the bill to his constituents, who had not had time to consider it,

Mr. *W. Douglas* agreed that the bill of last year was not considered in Scotland a sufficient remedy for the evil, and hoped that an opportunity would now be given to the persons interested to peruse the bill as rectified by the learned lord.

The *Lord Advocate* said, that the persons interested in this measure, after being enlightened by the discussion on the second reading, would be better able to judge of the alterations which might be necessary and which might be proposed in the committee.

Sir *James Mackintosh* observed, that the object of the learned lord, in hurrying on the second reading, seemed to be, to deliver political lectures in that House for the benefit of the people of Scotland. He, for one, was not desirous of instructing the inhabitants of Stirling and Aberdeen in the best method of controlling their magistrates; he was desirous of receiving information from them, and not of conveying information to them.

Lord *Castlereagh* thought the information from Scotland might be more advantageously considered in the committee.

Mr. *Forbes* observed, that this bill was a minor point with the burgesses of Scotland; their object was a certain reform of the burghs. He would not say whether such a reform might not be desirable; but if the burghs of Scotland obtained all they desired, the burghs of England would also have a good right to come forward. The House ought not to excite hopes which could not be realized.

Mr. *Finlay* said, that no measure had been received in Scotland with more reprobation than the bill of the learned lord. The bill of last session was extremely unnecessary. The accounts of the Scots burghs were extremely correct.

The bill was ordered to be read a second time on the 10th of May.

Friendly and Parochial Benefit Bill.] Mr. T. Courtenay moved the second reading of this bill.

Mr. *F. Lewis* objected to several parts of the bill. As it was now worded, it would be impossible to say to what class of persons parochial relief might be granted or refused. It ought to be divided into two bills, that the House might have an opportunity of discussing the two distinct measures that it involved.

Sir *R. Wilson* objected to some of the clauses of the bill. The last clause made it imperative on the poor to subscribe to the funds of these societies, under the penalty of being refused parish relief, and being considered as improvident, extravagant, and undeserving persons. This would almost subject them to the penalties of the Vagrant act.

Mr. *Courtenay* was sensible that the bill as it now stood was liable to objections; but he was persuaded that they might be remedied in the committee. The poor persons who refused to subscribe, were not subject to the penalties alluded to by the hon. general, but were to be considered as extravagant and improvident persons, in the sense of the act regarding the poor passed in the present session.

The bill was read a second time.

Convention with America.] The House having resolved itself into a Committee on the Convention with America,

Mr. *Robinson* said, that the measure he had to propose, was simple and short, and not liable to objection. The committee was aware, that by a Convention with the United States, the Americans possessed the right of fishing on the coasts of a considerable part of his majesty's North American possessions. This right they had, by the recent convention renounced. It so happened, however, that there was no municipal law to enforce this treaty, and

if American vessels should be found carrying on the fishery in the harbour of Halifax, or on the coast of Labrador, or any other place from which the convention excluded them, they could not be condemned by any law now in existence. His object was, to give his majesty the power to enforce an observance of that treaty, as well as to issue regulations for the carrying on of the fishery in those parts of our coasts which remained open to the subjects of the United States. There was another subject, respecting which he should have to make a motion hereafter, viz. the renewal of the Commercial Convention of 1815, which made it necessary to continue the regulations under that treaty. The measure he should now propose was, to give his majesty's council power to issue instructions to his naval commanders, and other officers in that part of the world, to carry the provisions of the treaty respecting the fishery into effect; as the distance of place, and the intricacy of details required, would render a more distinct law ineffectual. — The chairman was then directed to move for leave to bring in a bill to regulate the taking of fish on the coast of Labrador, and other parts of North America.—Leave was given.

HOUSE OF COMMONS.

Tuesday, April 27.

Children in Factories (Ireland) Bill.] Mr. W. Parnell moved for leave to bring in a Bill for the Protection, Education, and Morals, of the Children employed in the Cotton and other Factories in Ireland. The hon. member proceeded to explain the objects which he wished to attain by it. Those objects were, the safety, defence, and civilization of the country. In order to effect them, he should move, that certain visitors be appointed, with power to investigate the internal state of the Irish factories, and report the state of education and morals, in which they found the children employed in them. He should then propose that one of those reports should be made to the secretary of state for the home department, another to the Society for the Suppression of Vice, another to the Society for the Education of the Poor, and a fourth to the Bible Society. Wherever these reports gave a satisfactory account of the attention which the proprietor paid to the moral improvement of those whom he employed, there he should propose, that the proprietor be exempted from the payment of the assessed taxes. Such an exemption would act as a stimulus to all the manufacturers, and, in his opinion, would be attended by the most beneficial results.

Sir *George Hill* had strong doubts of the utility of such a bill; the hon. gentleman had not shown any grounds for it; there were no petitions before them on the subject, neither were there any returns of the number of factories in Ireland, nor of the number of children employed in them. The hon. member wished, that several philanthropic societies, with whose existence a great part of the House was not acquainted, should have the power of entering into the different factories, and of classifying men and women according to their views and notions. This was so novel a proceeding, that some very extraordinary grounds should be shown for it. Then, if these societies were satisfied, and if they certified their satisfaction with the internal regulation of the factories, the proprietors were to be exempted from the assessed taxes. This was even more novel than the proceeding to which he had before alluded, and required, if possible, stronger reasons in order to defend it.

Sir *John Newport* spoke in behalf of the bill. With regard to two of the societies, to whose existence the hon. baronet had alluded with such contempt, he was not, perhaps, aware that they had been recognized by the House, and that grants of money were annually made to them.

Mr. *Croker* said, that upon a former occasion he had expressed his dissent to the enactment of any laws which went to benefit either England or Ireland separately; that dissent he must again repeat, because he could not see any reason for not extending a measure which was beneficial in one country, to the natives of the other.

Mr. *G. Philips* objected to the vesting of such power in Bible societies and societies for the suppression of vice. The state of things in Ireland must be very different from the state of things in England, if such a system could be at all beneficial; an attempt at compulsory education could not possibly succeed in this country, nor did he think it likely to prosper in the sister island.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Wednesday, April 28.

Court of King's Bench.] Mr. *Denman* rose, pursuant to notice, to move for leave to bring in a bill for facilitating the dispatch of business in the court of King's-bench. He would shortly state the objects which this bill purported should embrace. The first was to allow one of the judges to sit and hear causes at *nisi prius*, while the three others were sitting *in banco*. The second was to empower the judges to pass sentence at the assizes on many of those in which at present the judgment was delivered in term. By this means a great deal of time might be saved. The third was one of small importance: it was to allow the court to sit on the 30th of January. In bringing forward this measure he begged he might not be understood as meaning to cast any reflection upon any of the learned judges now in that court. Nothing could be further from his intention. So far from thinking that they omitted any thing in the discharge of their duty, he thought they already gave too much of their time to the public; and he conceived that, with the regulations which his bill would embrace, it would be better if they did not extend beyond the regular time. He also felt it necessary to say, that the learned judges themselves fully approved of the propriety of the measure.—Leave was given.

Sinking Fund.] Mr. *Grenfell* rose, in pursuance of notice, to move that there be laid before the House, certain accounts to enable it to judge how far it might be expedient to apply the sinking fund of the year towards any loan to be raised for the public service. By a clause in the Sinking Fund act, it was provided that the commissioners for the redemption of the national debt might, in the case of a loan to government, use a portion of the capital in their hands for the purchase of certain portions of such loan, that was, that they might be subscribers. This clause was called Mr. Fox's. It was proposed by that gentleman, and readily adopted by Mr. Pitt. Now, the operation of that clause it might be of great importance for the House to consider. He had not heard from any official source that a loan was to be taken up. It was, however, very currently stated and believed in the course of the day. He had heard various accounts of it. Some stated that it was to be for 18,000,000*l.*, others for 20,000,000*l.*, and the highest amount he had heard was 25,000,000*l.* Now, supposing the loan to be taken up at 18,000,000*l.*, and that this clause of the 26th of the king were to be carried into effect; what would be the consequence? The chancellor of the exchequer would go to the commissioners for the redemption of the national debt, for 15,000,000*l.* (taking that as the amount of the sinking fund in their hands), and would have only to go into the city for the loan of 3,000,000*l.* In case the loan were to be for 25,000,000*l.*, the chancellor would have only to borrow 10,000,000*l.*, taking the additional 15,000,000*l.* from the commissioners. He wished the House to consider, whether it might be advisable to borrow the whole of the sum intended to be taken up, when part of it might be obtained in the way he had mentioned. He then moved, that there be laid before the House an account, showing the amount of all sums of money invested in the hands of the commissioners for the redemption of the national debt, for the purchase of capital stock in any of the public funds, together with the amount of all such capital stock, with the interest thereon, since the 15th of June, 1816, to the present time."—This was put and carried.

HOUSE OF COMMONS.

Thursday, April 29.

Salt Laws.] On the motion of Dr. Phillimore, the resolutions of the salt duties committee were then read. They stated the repeal of the laws on this subject to be highly expedient; and that the then state of the finances alone prevented the committee's recommending that repeal.

Dr. *Phillimore* said, he conceived that the resolutions just read would furnish the best apology for his obtruding himself on the attention of the House. They had heard that nothing short of the state of the finances prevented the committee appointed to examine into this question recommending the immediate repeal of these duties. The income of the country within the last year was increased 3,000,000*l.*: if the committee, then, came to so strong a resolution last year, he was unwilling to think the House would be now disinclined to enter on the subject. In the spirit of those very resolutions, he

meant to call upon the House to record upon their Journals, that it is highly expedient, at an early day, to take into their consideration the propriety of repealing the salt duties. When that committee first met, it was under circumstances which promised very little unanimity in their report; but the evidence before them was so unanswerable, that they came to the resolution now before the House. He was aware of the disinclination which at all times existed to entertain a question that excited no party feeling. It possessed, indeed, little party interest; but it was one every way important, not merely to the agriculturist, but in its relative operation on the poorer classes. This was a decided tax upon the necessaries of the poor; one which effected every article of their subsistence: in short, it operated with immense hardship upon them, the bushel of salt being taxed at 40 times its value. No tax operated more on their morals; and it had been found, that wherever it prevailed, it was the sure forerunner of crime. It was distinctly stated in an address of the grand jury for the county of Chester, that the profit derived from selling untaxed salt was so great, and operated so powerfully, as to taint the morals of that part of the community. The evidence before the committee, derived from various sources, all tended to establish the same conclusion. The temptation to steal, and conceal what was stolen, was such as to cause the practice too generally to prevail. But another argument, equally pressing, might be derived from the effect of these duties on the fisheries of the country, and on that spirit of maritime enterprise and achievement which they were so naturally fitted to promote. To these injurious and discouraging duties might, in a great degree, be ascribed the misfortune of this country being for many years precluded from the enjoyment of a commerce properly belonging to herself, but actually beneficial to her neighbours alone. The fault could not be traced to any change in the character of our fishermen, and sprang entirely from the operation of those duties, which threw that important branch of trade into the hands of capitalists and monopolizers. The Dutch, by their capital, and the Norwegians by their activity, were carrying off all the advantages which it was easy for this country to retain in her own hands. They were, in fact, underselling us in our own markets, from the comparative cheapness of salt. He was apprized of the indulgencies extended to persons engaged in the fisheries; but he knew also that they were attended with restrictions and conditions, which greatly detracted from the relief that might otherwise be afforded. There were few who heard him who were not aware of the severity of the excise laws, and the heavy expense which might attend a supposed infringement of them. The collection of any tax on such an article as salt must be a matter of difficulty, and perhaps could only be enforced by severe enactments. Amongst the innumerable cases that attracted the notice or awakened the vigilance of excise officers, many instances of hardship and oppression might be discovered. Such cases, although their example might have no effect on minds of great force or cultivation, had a bad general tendency. It was indeed a sufficient objection to a tax of this description, that its necessary operation was to produce such cases as those to which he had alluded. In these cases the bonds and securities required were enormous in their amount. Upon inquiry he found that during the last three years the penalties included within these securities amounted to the almost incredible sum of 107,844,707*l.* He did not wish to fatigue the House; but he thought it necessary to draw its attention to one part of the evidence respecting the fishery on the west coat of Scotland. The agent for lord Seaforth and Mr. Macdonald, of Clanronald, declared, that he had heard frequent complaints of the state of the fishery, and that in his opinion it was impossible for the common islander to preserve fish on his own account. The only object of justification of the duties must be the extraordinary revenue which they produced; and here he might be allowed to quote the authority of one of the secretaries of the Admiralty, who had frankly avowed his opinion, that if the duties were removed 20,000 additional seamen would be employed. It was satisfactory also to witness the accordance of opinion on this subject between the committee which sat in 1801 on the herring fishery, and the committee of 1807, on this subject of the salt duties. The chancellor of the exchequer, was chairman of one of those committees, and its report had only expressed the opinions of all who had turned their minds to the subject,

or well-considered the situation of the country. He knew that it was a question with many, whether such a tax ought to be continued under any circumstances; but his own immediate views were limited to the placing on their Journals, a record of opinions which might serve as a guide for future judgment, and the substratum for practical measures hereafter. He conceived this course of proceeding to be more expedient than the adoption of another project which he had in contemplation—that of framing a scale of diminishing duties, the result of which would be to increase their positive amount. It was to the dispassionate judgment of the House that he now appealed, and he deprecated the interference of any party spirit on a question so nearly involving the best interests of the country. He should conclude by moving, "That, considering the severe pressure of the salt duties upon the lower orders of the community, and the great advantages which would accrue to the fisheries, agriculture, and manufactures of the United Kingdom, from the unrestrained and unlimited use of salt, it is highly expedient that the earliest practicable opportunity should be taken for the gradual reduction, or total repeal, of the said duties."

Mr. *Davenport* said, that the question was so narrowed by the inquiries which had been already instituted, that all that was necessary appeared to him to be to refer the House to the reports of the committees. Those reports, in common with the doctrines of all modern writers of authority on the subject, agreed in pronouncing this to be the worst of all bad taxes. It originated in a blind policy, and was in its operation as injurious to the poor, as it was discouraging to agriculture, and destructive of the fisheries. Foreigners were enriching themselves from the greatest source of wealth that Providence in its bounty had bestowed upon us. By an enormous duty on an article of necessary subsistence, we at once deprived ourselves of a nursery for seamen, and held out an irresistible temptation to fraudulent practices.

Mr. *Wallace* could not perceive the advantage of passing a resolution, which, without repealing a tax, should cause the people to be dissatisfied with it. Impolitic as the measure might appear, one thing was certain—that in every state in Europe there was a tax on salt, and there was no reason to believe that in any of them it was considered as oppressive. He agreed that in France it was considered by some classes of the community as burthensome; but in that country it was not so much the tax itself that was complained of, as the manner in which it was levied. There the higher orders were exempted from its operation almost entirely; for the tax was not laid on the actual consumption, but every man was obliged to account to the government for so much, whether he consumed it or not. These objections, however, were not applicable to the tax as levied in this country. It ought also to be remembered, that this tax had been long borne by us; it had been laid on soon after the Revolution, and though increased from time to time, it had been borne without even a murmur, until the feelings of the public had been excited by the exertions of an hon. baronet now no more (sir T. Bernard) who, although he represented it as an evil which had long blighted the prospects of the country, never paid any attention to it till he himself felt it attended with a personal inconvenience. But was it possible that this grievance, if it was so great as it had been represented, should have so long escaped the observation of so many men of talents in that House? Was it possible that it could have escaped the observation of the people themselves, who were said to suffer so severely under its pressure? He was far from saying that the sentiments of the people were always to be collected from the petitions which were laid before that House; yet he thought that as no petitions had been presented, and no complaints made, it might fairly be assumed that the practical grievance was not great. He admitted that the laws on this subject had considerable defects, and of these the greatest was the temptation which they held out to evasion; but although in some respects this temptation was strong, yet in certain points of view it was not so much so as in other taxes. In general, the facility of defrauding the revenue was the great temptation to smuggling, and he admitted that it was easy to elude this tax; yet in smuggling salt, the evasion must be great indeed before the profit could be considerable, while in many other cases immense profit was derived from a small evasion. Another objection was, the necessity of guarding this tax with severe penalties. But that these penalties were not severely exacted appeared from the report of the committee, in which

it was stated, that the number of prosecutions during a period of 20 years did not exceed 11 each year. Whatever severity there might appear in the spirit of these regulations, it could not be denied that they were highly beneficial, since they secured a revenue of 1,500,000*l.* a year. The principle of this tax was perfectly equitable, because it fell alike on all classes; it was easily collected for the expense did not exceed $2\frac{1}{2}d.$ per cent.; and its pressure was imperceptible, it being paid in small sums. In this last point of view it had been alluded to by Adam Smith, as a tax that might be carried to a great extent without being much felt. He believed, indeed, that there was no tax of which the poorer classes were heard to complain so little. He was surprised the hon. gentleman should say that the operation of this tax was to make the poor pay a greater proportion than they ought. If the labourer paid in the first instance, it was clear that he must be repaid by his employer, and that in fact the former only advanced so much in the course of the week to be reimbursed by the latter at the end of it. [The hon. member contended, at considerable length that neither the labourer, the cottager, the agriculturist, nor the manufacturer, felt any inconvenience from this tax.] The fisheries, it was worthy of remark, had been improving, even under these severe restrictions. There never was a more prosperous year for the fish-curers than the last, the quantity of salt used had been greater than at any former period. The quantity of herrings caught last season on the east coast of Scotland, was so great that every market was glutted with fish, and not one herring had been uncured that could have found a market. The price obtained left only a profit of 3*s.* 6*d.* on each barrel, which was ruinous to the parties engaged in the business. Here was the effect of extending the fisheries: all the markets were glutted and the curers were obliged to sell at a price that ruined them. Yet to have heard the hon. gentleman one would have supposed that we had only to extend our fisheries, either by the repeal of the salt tax, or by any other means, and numberless advantages would instantly follow; we should have 20,000 seamen ready at the call of their country, and every acre of the sea would become as productive as an acre of land. The hon. gentleman had said that we were prevented from competing with the Dutch, by the cheap price at which they sold their fish; but if the hon. gentleman had looked at the evidence he would have found that Dutch fish sold at a price one-third higher than ours. He fully admitted the evils that resulted from smuggling, or from evading the duties; but they were not greater in this case than in others. The smuggling was not greater in evading the salt duties, than in the introduction of lace, gloves, and other articles from abroad. Neither was there any symptom of demoralization arising from this source evident in those districts where most salt was used in the fisheries, and where there was the greatest opportunity of evading the duty. He might appeal to the state of Scotland, of Cornwall, and of other fishing districts, for a proof of this remark. In the course of 7 years there had been in Cheshire, one of the great salt-mine districts, 1880 committals for all offences, but only ten of them for transgressions of the salt laws. The right hon. gentleman concluded by several other observations in defence of this duty, and contended that at this time, though it were even more liable to objections than it had been shown to be, the country could not surrender such a valuable source of revenue.

Mr. *Curwen* said, that the right hon. gentleman observed, that the tax was fair and equitable, because it was general; but did he not know that it pressed much more grievously on the lower than on the higher classes of society? Did not the right hon. gentleman know that four ounces of salt were required for every stone of flour used in bread, which constituted so large a portion of the subsistence of the poor? From the income of the rich the tax on salt did not take more than a thousandth part, while from the wages of labour it cut off a twenty-sixth. The right hon. gentleman had asked, why, when this impost was borne so long, it was now objected to, adding that it was not more intolerable now than for some time past? The fact was not as he had stated. The tax was more oppressive now than formerly, as other taxes had increased, while the ability of the people to pay them had not increased in proportion. The right hon. gentleman ought to have known, that the wages of labour had not risen according to the price of the taxed articles of consumption, and that they were regulated, not so much by the necessities of life, as by the demand for labour. It had been said,

that as the poor man was enabled to give 3*l.* for the food of his pig, he could add 5*s.* more to salt it. This was not always the case and many poor men sold their pig because they could not afford to pay for salt to preserve it. The right hon. gentleman had stated, that there had been only twenty prosecutions within a certain period for transgressions of the salt laws; but he would ask were there not thousands compromised? The fact was, that these prosecutions had become to some parties, somehow or other a monstrous source of revenue. The hon. gentleman went on to mention the advantage that would result, not only to the lower orders, but to the agriculture, commerce, and industry of the country, from the repeal of the salt-duties. The unlimited use of this article in agriculture would produce an immense effect. The quantity used would amount to 3,000,000*l.* of money in value. It would be used in the fattening of stock, in manure, and for various other purposes. To show this he needed only to state, that in the first year after the late change in the salt duties, 8 tons only had been consumed in agriculture, while the quantity now was 120 tons. The importance of salt to the prosperity of our fisheries, and the consequent propriety of removing those restrictions by which the supply to the fish curers was restrained, were evident to every one who took the slightest view of the subject. In the last year we had paid 10,000,000*l.* sterling to foreigners for food, a circumstance which showed the wisdom of granting every facility to a species of labour like that employed in the fisheries, by which food could be abundantly procured. The consumption of fish was increasing at home, and the people who formerly were averse to it were now compelled to use it. He knew that government could not well do without the tax; but he was convinced that less oppressive substitutes might be found. Five per cent on the rack rent of land, and half that sum on houses, would produce a greater revenue, and would not lead to so hurtful consequences. It was vain to talk of any relief to the lower orders from an alteration of the poor-laws. All the alteration would be merely matter of regulation. He would beg his hon. and learned friend to allow an alteration in his resolution, and to word it to the effect of a total repeal, and not a gradual reduction of the tax. The great evil were the regulations which would remain with any reduction. About 50,000 tons now paid duty, but more than double that quantity would be used if the tax were repealed.

Dr. *Phillimore* said, that his resolution gave the alternative of a reduction or a repeal.

Lord *Ebrington* thought the House indebted to his hon. and learned friend, for bringing the question before them; for after two committees had been appointed to inquire into the subject, the country would have felt disappointed if the House had separated without expressing any opinion. He was astonished to hear the manner in which that tax had been defended; for it was reserved to them that night to hear, that a tax so heavy as this, on a necessary of life, could be endured without difficulty, and was on its merits fit to be continued. It was one of the first acts of lord Sidmouth's administration to declare that it was fit that this tax should be repealed on the first opportunity, and on the renewal of the war the same declaration was again made. It had been said, that till the late sir T. Barnard moved the subject, the burthen of the tax had never been felt. Those who made this assertion knew little of the lower orders; it had always been considered as a grievance; and how was it possible that this should not be the case, when a labourer in husbandry, with a wife and three children, whose wages in many parts of the country did not exceed from 18 to 20*l.* a year, paid nearly 27*s.* for salt alone? As to the indulgence, as it was called, which had been granted to the fisheries, by the bill of 1817, it had been productive to those for whose benefit it was expressly intended, of distress and inconveniences; as he in common with other gentlemen connected with the Western Fisheries, had stated that it would be when the chancellor of the exchequer brought in that bill. He cordially supported the Resolution.

The *Chancellor of the Exchequer* said, that he had not, after the able speech of his right hon. friend, intended to trespass on the attention of the House, but having been alluded to as chairman of a committee connected with the subject in a former administration, he felt it right to explain the reasons why he held an opinion now which might seem different from that which was then entertained. The circumstances of the country were since wholly changed, at least so much that it

would not be advisable to carry into effect the resolution then agreed to. It had been stated, that in consequence of our great increase of duties upon salt, the Dutch were able to undersell us considerably in the market; but it should be recollected that in the 16th and 17th centuries, when we had no duties at all upon the article, the Dutch fisheries surpassed ours; and it would not be said that our ancestors were less bold or adventurous than their neighbours. The present tax could not be considered excessive in proportion to the increase in our manufactures, agriculture, &c. In the number of prosecutions under the salt laws, which had been alluded to, there should have been included the compositions which had been made. He contended that the operation of the tax within the last few years had not diminished the fisheries, or our exports in that article; that they were rather increased, compared with recent years; and that the fishermen, by the productiveness of the trade, were enabled to increase their number of boats, and consequently to give employment to a greater number of hands. In conclusion, he observed, that if he were now of the same opinion which he formerly held, he should still oppose the motion, because he thought the only effect of condemning a tax, without repealing it, would be to render it more oppressive and less productive. He should therefore move the previous question.

Earl *Compton* said, he should vote for the previous question—not because he coincided with the views of the chancellor of the exchequer respecting the tax, but because it was imprudent for the House to pledge itself to do hereafter what it was unable to do at this time. He should however be glad to vote directly for the abolition of the tax, and to replace it by the best substitute, a direct tax.

Mr. *Davies Gilbert* observed, that in maritime places the regulations with regard to the salt permitted to be used for home consumption, were so vexatious that no person of property would become responsible for the dealers. The hon. member dwelt upon the various disadvantages resulting from the operation of the salt duties, and therefore he was an advocate for their total repeal. But yet, in the present circumstances of the country, he could not accede to the destruction of the resource arising out of these duties; nor could he admit the policy of their gradual reduction, because such a course would be productive of confusion in the collection of the revenue, without any commensurate advantage to the people. But still he felt it his duty to vote for the resolution, in order that the House should stand pledged to repeal the duties alluded to, as soon as the circumstances of the country might admit of such repeal.

Mr. *Protheroe* spoke in favour of the resolutions, and urged the necessity of considering the means of collecting the revenues of the country generally in a less vexatious and expensive manner than at present prevailed.

Mr. Alderman *Heygate* said, that when he considered the state of the revenue, which was so far from overflowing, that the sinking fund, to which the faith of the country had been so often pledged, might almost be said to exist only in name, combined with the difficulty of laying on any new tax in lieu of the duty on salt, he felt it impossible to vote for the motion.

The House divided on the previous question: Ayes, 50; Noes, 127:—Majority against the motion, 77.

List of the Minority.

Althorp, vis.	Gipps, G.
Allen, J. H.	Honywood, W. P.
Bennet, hon. H. G.	Hutchinson, hon. C.
Barnett, James	Holdsworth, A. H.
Barham, J. F.	Lamb, hon. G.
Browne, Dom.	Lemon, sir W.
Becher, W. W.	Maule, hon. W.
Bastard, E. P.	Methuen, Paul
Belgrave, vis.	Morland, S. B.
Bernal, Ralph	Monck, sir C.
Burrell, sir C.	Primrose, hon. F. W.
Clifford, capt.	Parnell, sir H.
Clifton, vis.	Protheroe, Edward
Crompton, Samuel	Pares, Thomas
Curwen, J. C.	Ridley, sir M. W.
Colborne, N. R.	Rumbold, C.
Deerhurst, vis.	Robarts, Abraham
Douglas, hon. F. S.	Smith, Wm.
Davis, T. H.	Smith, hon. R.
Duncannon, vis.	Strathaven, lord
Ebrington, visc.	Tremayne, J. H.
Egerton, W.	Webb, Edw.
Fremantle, W.	Wynn, C. W.
Fellowes, hon. N.	TELLERS.
Grenfell, Pascoe	Phillimore, Dr.
Gurney, R. H.	Davenport, D.
Gaskell, Benj.	PAIRED OFF
Gilbert, D. G.	Wilson, sir R.

INDICTMENT OF EDWARD BURKE—CONDUCT OF BARON M'CLELLAND.] Mr. *Martin*, of Galway, rose to bring forward the motion of which he had given notice, with respect to the conduct of baron M'Clelland in the trial of Edward

Burke, an Irish attorney. That the character of a judge should be treated with all due deference, he was ready to admit, but when any judge was fairly chargeable with misconduct, it was the peculiar duty of that House to investigate such charge. He would read the resolution which he meant to submit, and which was as follows:—"That the proper officer do lay before this House a copy of the bill of indictment found against Edward Burke for wilful and corrupt perjury, at the session of oyer and terminer held for the city of Dublin in December 1814, together with the verdict of the jury on the trial of the said indictment, and copies of the affidavits that were made for the postponement of the trial."—He should briefly state the case which, in his judgment, called for the interposition of the House. At a commission of oyer and terminer in Dublin, in 1814, a bill of indictment was found against Edward Burke for perjury, but to prevent the cause from being brought to trial at that commission, Burke made an affidavit, deposing that he called at the house of Mr. Browne, whom he described as a material witness in his defence, and that he understood Mr. B. was so unwell as to be unable to attend the court. In consequence of this affidavit, he (Mr. M.) made an affidavit, that Mr. Browne, who was stated by Burke to be material to the elucidation of his case, because a party to a certain reference was by no means an active member of that reference, while the two gentlemen, who were really the referees upon that occasion, were ready to be examined—Yet it was the pleasure of the judge M'Clelland to order the postponement of the trial upon Burke's affidavit, which merely stated, that having called at the House of Mr. Browne, he heard and believed that gentleman was so unwell as to be unable to attend in court. Of this postponement, however, it was not now his object to complain, although at the time he was fully ready to prosecute the trial. But the trial was put off until the February commission following. On that occasion, however, he was himself under the necessity of applying for the postponement of the trial, in consequence of the absence of Mr. Simcocks and Mr. Killery of Galway, who although served with the usual process on his part, declined to attend. Mr. Coneys, also an eminent lawyer, whose evidence was peculiarly material to his case, could not attend the court but at the imminent hazard of his life. Of these facts he made an affidavit, but still he did not call for any more postponement of the trial than from day to day, in order to see whether Mr. Coneys would sufficiently recover to be able to attend the court, proposing, however, that if that recovery should not take place before the conclusion of the commission, the trial should be postponed until the commission following. That affidavit, he thought it would be admitted, ought to have put off the trial. But the proof did not rest there. Dr. Crampton, at the head of the Medical Institute in the university of Dublin, was in court, and made a similar declaration; not certainly upon oath at that moment, but he subsequently in court made an affidavit to that effect. The brother of Dr. Crampton also swore, that Mr. Coneys could not leave his bed without imminent hazard to his life. He would put it to the law officers of the Crown to say whether, if they were elevated to the bench, they would act as baron M'Clelland had ventured to act. He held in his hand the brief of the affidavits. He would tender them to the consideration of the House, and ask it to decide, whether such conduct on the part of a judge, should pass without inquiry, unless, indeed, it was meant to be inferred, that every act of an Irish judge should be absolved from censure.—What would be the result of such a course of conduct? Was there any case wherein the Crown could put off a trial? If there were any such case he felt confident there was not in his application for a postponement no one ingredient wanting which would justify a similar course. Had he not a right, then, to complain of the arbitrary manner in which baron M'Clelland forced on a trila against an individual whom he, as the prosecutor, might be allowed to think was guilty?

Sir *G. Hill* said, that this was a case of the very first importance; it affected the fame and character of a judge of the land; and there was no class or description of public functionaries, in whose uprightness of conduct the interests of the Crown, and the safety and liberties of the people, were so deeply concerned, as in that of those who filled the judicial bench. This principle, in good and former times, had been powerfully felt, and amply provided for. By the 12th and 13th Will. 3rd., the judges are rendered independent of the

Crown, to hold their situations during the life of the sovereign, and are removable only upon the Address of both Houses of parliament; and, by the first of Geo. 3rd., their independency is still farther secured, as their commissions are made to continue in force notwithstanding even the demise of the Crown. And, by the 21st and 22nd Geo. 3rd., the provisions of both these statutes were embodied, and made law in Ireland by the parliament of that country. Thus, the legal bench was placed beyond all undue influence or control. As already stated, a judge is removable only upon an address from both Houses; but such an address, he was bold to state, would only be justifiable upon a serious case, clearly made out against the judge, either of palpable incompetency on his part, of violent infringement of the liberty of the subject, or of gross partiality or corruption. On the other hand, he insisted, that mere error of judgment, mere misapprehension of the law, to which the fallibility of man is liable, form no just grounds for such address; to such error, however, the learned judge had not, in this case, been liable, and against whom the hon. member had not ventured to insinuate the slightest suspicion of partiality or corruption. It would, therefore, be a most monstrous innovation, if the House were to countenance an application like the present for its interference, upon such trifling, stale, and insufficient grounds as the hon. member for Galway had brought forward. To what does the charge amount? That at the commission of oyer and terminer in Dublin, in February 1815, baron M'Clelland, being one of the judges in the commission, refused to postpone a trial for perjury against a Mr. Burke, in which the hon. member was the prosecutor. If the House entertained such an appeal, there was not a common case of Nisi Prius in a civil court, nor the most trifling case of assault in a criminal court, that might not henceforth be brought before them for revision. He had the honour of knowing baron M'Clelland intimately, and a more intelligent, laborious, or upright judge did not adorn the bench of either country; justly confident in his knowledge and experience, and firm in his decisions, baron M'Clelland was incapable of partiality, or corruption. Learning that he was to be thus accused before the House of Commons, he had transmitted to a few friends, and to the right hon. baronet, as one of them, a statement of facts, bearing on this and another case—the first of which related to a trial at Galway, in 1813, when the hon. member was prosecuted before baron M'Clelland for challenging a gentleman of that county, and was convicted; and to which case the hon. member had not thought proper to allude. The other, which is the one at present complained of, occurred above four years since. Now, trivial, and out of time, and unjustified as this complaint appeared to be; yet, inasmuch as it had been made the medium of unworthy attack against this most excellent judge, it was fit that he should be defended. He was sure the House would be gratified to hear an authentic statement of the facts which bore upon the trial detailed by the hon. member; they were furnished to him by baron M'Clelland himself. But, previous to making this statement, the House must be surprised to learn, that the hon. member had abstained from stating, that if injustice was done to him at the trial in question, another judge had concurred with baron M'Clelland in doing him that injury. The late Mr. Justice Osborne, revered, esteemed, and lamented by all good men who knew him, was associated in the commission of oyer and terminer in Dublin with baron M'Clelland, when the trial of Burke for perjury in February 1815, at the prosecution of the hon. member, was brought forward; and Mr. Justice Osborne fully concurred with baron M'Clelland in refusing the application of the hon. member to postpone the trial of Burke to a future commission; and the House would form its own opinion for what reason this fact had been suppressed by the hon. member. The particulars were as follow:—Mr. Martin, in 1814, commenced a prosecution against a Mr. Burke, an attorney, for perjury, alleged to have been committed by Burke in an answer to a bill filed against him by Mr. Martin. The bill of indictment was found by the grand jury of Dublin, in Dec. 1814, on the testimony of Mr. Martin and a Mr. Leonard. At that sitting of the commission court, in Dec. 1814, the trial was postponed until the next sitting of the court in Feb. 1815, on the motion of Mr. Burke, grounded on two affidavits, stating the illness of Mr. Browne, a material witness, under a paralytic attack, and his inability to attend; and one of these affidavits was made by the medical gentleman who attended Mr. Browne, the witness. The

next adjournment of the commission court was held in Feb. 1815, before Mr. Justice Osborne and Mr. Baron M'Clelland. It began on the 18th Feb., and ended on the 24th. The trial of Burke, as one postponed from the preceding commission, would naturally have had precedence; but it having been intimated to the court, that Mr. Martin was not ready for the prosecution, the trial was postponed from day to day, and was the last trial that took place at that commission; yet Mr. Martin has ventured to state to the House, that he applied to have this case put last in the list of trials; that such request was refused, and that the trial was immediately called on. On the 23rd Feb., Mr. Martin, and a Mr. Coneys made each an affidavit to postpone the trial. Mr. Martin, in his affidavit, stated the absence of three material witnesses, and that two of them, a Mr. Killery, and a Mr. Simcocks, had been served with crown summonses, "as Martin believed," and referred to the affidavits of the service thereof; but no such affidavits were produced, nor are any such to be found in the Crown office. Judge Osborne, and baron M'Clelland then decided, that as there was no affidavit, stating positively the service of a crown summons on these two witnesses, or either of them, their absence was not a sufficient ground to postpone the trial, the prosecutor not having used due diligence to compel their attendance. As to the third witness, Mr. Coneys, the barrister, the affidavits, both of Mr. Martin and Mr. Coneys, brother of the witness, stated, that the witness lived in Dorset-street, adjoining the Court-house; that he was confined by a feverish complaint, and was attended by Dr. Crampton, and that they believed the witness could not attend on account of this illness: and Martin swore that he believed the witness could not attend during that commission. On these two affidavits, viz., that of Mr. Martin and that of Mr. Coneys, the counsel for Mr. Martin, on the 24th Feb., at the close of the commission, and when all the other business was finished, moved the Court to postpone the trial until the next commission, in the month of June following, according to the fact sworn by Martin, that the witness could not attend until the next commission—and not for two or three days, as Mr. Martin has ventured to state to the House. This motion was opposed by Mr. Burke's counsel, on the defects in the affidavit; namely, the want of any positive allegations of the service of the crown summonses on the witnesses, and that no affidavit was made by the physician who attended Mr. Coneys, who was alone competent to swear to the inability of the witness to attend without hazard to his life. The counsel of Mr. Burke also urged, that the affidavits were made on the 23rd, and that no account was given of the state of the health of Mr. Coneys on the 24th, although he lived close to the Court house. The counsel also urged the hardship it would be inflicting on Mr. Burke to postpone the trial on such defective affidavits, and to keep so serious a charge hanging over the head of a professional man for four months; and the counsel for Mr. Burke then stated, that Mr. Coneys, then alleged to be ill, had been examined by Mr. Martin, as a witness in the equity cause, to support his case against Mr. Burke's answer, in which the perjury was said to have been committed; and counsel then offered, on the part of Burke, to consent that the said depositions of Mr. Coneys should be read as evidence against him (Burke) on the trial, as if sworn in open court by Coneys. This offer was rejected by Mr. Martin. Judge Osborne and baron M'Clelland, on taking these arguments of counsel, and the affidavits into consideration, were of opinion, that, by the settled rules of practice, they were bound to refuse the motion. Mr. Martin has ventured to state that the affidavit of the physician who attended Mr. Coneys was produced, and that it stated his inability to attend; such statement of Mr. Martin is utterly unfounded; no such affidavit was ever produced to the Court, nor is any such affidavit in the Crown office. The Court having refused the motion, Mr. Burke was given in charge to the Jury. Mr. Martin then rose and stated, that he was deserted by his counsel (the counsel had retired some minutes before, obviously being sent away by Mr. Martin), and proceeded to state the case for the prosecution, which he did at length, reflecting, with great severity, on the conduct and character of Mr. Burke, and detailing a variety of dealings between him and Burke on the points on which the perjury was assigned, and which he (Mr. Martin) stated to be within his own knowledge. As soon as Mr. Martin concluded his statements, he left the court, as did also Mr. Leonard, his witness, on whose testimony, and that of Mr. Martin, the bill of indictment was

found. After waiting for some time, and having Mr. Martin, the prosecutor repeatedly called, and he not appearing, or any witness for the prosecution, the Court directed the jury to acquit the prisoner, which was accordingly done. The counsel for the prisoner then complained of the great hardship imposed on their client, by the Court having permitted Mr. Martin to make such a violent statement against Mr. Burke, and then to go away, as he had done; whereby the prisoner was precluded from all vindication of his character from the aspersions of Mr. Martin. The Court stated their regret at what had happened; but that they could never have foreseen such an occurrence as a gentleman making such a statement as within his own knowledge, and then shrinking from confirming that statement on his oath, and submitting to a cross-examination. The right hon. baronet then referred to an official certificate of Benjamin Riky, deputy-clerk of the crown in Dublin, from which it appeared, that the only affidavits produced at the trial alluded to, in February, 1815, were those of Martin and Coneys, to postpone the trial of Burke, and none from Dr. Crampton nor any other person. The right hon. baronet said. it was his duty now to expose to the House a most extraordinary proceeding of the member for Galway towards baron M'Clelland an account of which he had also received from the baron himself. On the 13th November, 1818, while baron M'Clelland was standing in the anti-chamber of the chief secretary, in the Castle of Dublin, Mr. Martin came in, and addressed baron M'Clelland, saying—"Sir, the last time I met you, was at Galway, where you tried me for challenging Mr. Bowes Daly." Baron M'Clelland replied, "It was a long time ago, and that the subject was an unpleasant one"—he wishing to stop the conversation. Mr. Martin then said, "Sir, you dealt me a hard measure of justice in that case, in refusing to hear me." Baron M'Clelland observed, that Mr. Martin having appeared and defended himself by his counsel, he (baron M'Clelland) had acted on that occasion according to the settled practice of the courts, and a decision of lord Ellenborough on the point. Mr. Martin then said, he had been called to the bar, and therefore was entitled to be heard. Baron M'Clelland replied, he never heard of that fact before. Mr. Martin then said, "Sir, I now give you notice, that I will complain to the House of Commons of this conduct of your's." Baron M'Clelland replied, he was at liberty to do so whenever he pleased. Mr. Martin then observed, "Sir, what you did at Galway against me was a trifle, to what you did on the trial of Burke, the attorney, for perjury." Baron M'Clelland replied, whatever decision was made on that trial, was made by Mr. Justice Osborne as well as by him. Mr. Martin then said, "Sir, that don't signify; I now tell you, that your conduct, as a judge, on both these trials, was outrageous and unwarrantable." Baron M'Clelland then cautioned Mr. Martin from using such language to a judge, as it would compel him to apply to the court of King's-bench for redress—on which Mr. Martin, approaching close to the baron, and extending his arm towards him, said, "Sir, I tell you again, that your conduct as a judge, on both these trials, was outrageous and unwarrantable;" on which baron M'Clelland observed, that all further conversation between them must cease, and he left the room. Baron M'Clelland would have immediately applied to the court of King's-bench for an information against Mr. Martin, had it not been for Mr. Martin's declaration, that he intended to complain to parliament of the judicial conduct of the baron. On this account, the baron decided to take no proceeding which could be construed into any wish on his part to avoid that investigation. Shielded as the character of a judge ought to be, and protected as it was by the laws of decorum and decency, as well as by those of the land, from personal insult, the House, without further comment from him, would estimate the propriety of such conduct towards baron M'Clelland. The House would also observe the prudence, the judgment, and the patriotic anxiety of the hon. member for the constitutional interests of his country, manifested by him in preferring this accusation to the House. Who was there to support the hon. member? Amongst his friends, had he no one who would undertake this case of attack for him—so very personally concerned as, from his own showing, he appeared to be, was he reduced to the necessity of being his own advocate? But now, against his detailed accusation, the House would weigh and contrast the statement and character of baron M'Clelland, to whose value and excellence the gentlemen of Ireland

*

would bear ample and ready testimony; and although he might have feebly discharged his duty in advocating the learned baron's defence, yet he hoped and expected that this House would not be contented to pass over the motion now before them by voting the previous question, but concur with him in expressing their disapprobation of the proceeding of the hon. member for Galway, and pronounce their direct negative upon his proposition.

Mr. *Brownlow* observed that, although he had the honour to be personally acquainted with the learned judge, now under the public notice of the House, he should not speak of him with regard to those private virtues which, independent of his situation, would render him so incapable of an act of injustice or bad feeling. He begged to assure the hon. member who had made this motion, that he supposed him to be acting on feelings of the greatest propriety—either imagining himself individually aggrieved by the award of judgment, and, therefore, seeking redress from the impartiality of this House; or, induced by the motive of serving the public, in bringing to light and conviction instances of abuse on the bench. In either case, that hon. member must be aware of the importance, that an unsullied and unimpeached reputation should attach to the judges of this land; and, therefore, he was bound to believe that this was not an accusation lightly made, and that a high judicial character had not been wantonly dragged to solemn examination before that House. He felt himself bound to state, diffidently on his own judgment and experience, but authoritatively on the uncontradicted testimony of all whom he had consulted on this occasion, that never was there a man more fortified by his character than the learned judge against accusations of this kind, both by his abilities as a lawyer, and the active, unceasing, uncompromising discharge of his duty as a judge. But, what was shortly the circumstance that had been attributed to the learned judge, and not singly to him, but to the late judge Osborne, who presided with him, and whose name had been suppressed. At a commission where these two learned judges presided, the hon. member for Galway was himself the prosecutor of an attorney of the name of Burke, for corrupt perjury; and no evidence appearing to substantiate the charge, the prisoner was about to be given in charge to the jury, when the prosecutor moved for a postponement of the trial till the following commission, on the natural grounds of the alleged illness of his principal witness; but this was supported by his affidavit alone, unaccompanied by that of a physician, who, in courts of justice, was alone acknowledged to be the proper judge of the sufficiency of the reason, when that was said to be illness; and why was the hon. member's affidavit to make an exception to this rule, to detain a professional man for several months longer, under the odious imputation of perjury? But the prisoner did not wish to avail himself of this contingency, and his counsel offered to admit the deposition of the sick witness. This was also refused. Therefore, in the absence of evidence to substantiate the charge, the want of a proper testimonial to the alleged illness, and a refusal to admit the deposition, the prisoner, as a matter of course, was tried and acquitted; and on these grounds was the learned judge outraged in his feelings as a gentleman, and was now before the House for arbitrary and precipitate conduct as a judge. The hon. member observed, that, could he fancy abuse existed, he should be anxious to bring it to light; but to him there was not the presumption of inadvertence; and if such should appear to the House, he trusted they would bear in mind, that the very impeachment of unsubstantiated guilt was a hardship, and that the learned judge could not but have been much harassed in his feelings by this impending motion; and that they would make some remuneration to his feelings, and to the injured memory of a judge now no more able to defend himself, by a full and honourable acquittal.

Mr. *C. Grant* said, he would not enter into the statements made. He hoped the House would decide this question on higher grounds. No principle was better understood than this, that a judge, in his judicial capacity was not accountable for any involuntary error. He hoped there was no reason for departing from this principle. There was not here the slightest imputation of partiality or corruption—there was not then the slightest shadow for such a charge. He much regretted that the hon. gentleman should have brought forward this motion. The high character of the learned judge should have protected him from a charge for which there was no foundation whatever.

Mr. *Leslie Foster* said, that parliament

could not entertain the motion; it would turn the House into a court of appeal.

The *Attorney General* said, that on principle the motion could not be sustained, and that it was altogether unsupported by facts. There was nothing in the conduct of the learned judge that could expose him even to the suspicion of partiality or corruption.

Mr. *Martin* rose to reply. He said, it had been asserted, that he had not imputed corrupt motives to the learned gentleman; he would now say, that the conduct of baron M'Clelland was corrupt. He applied the term in the legal and proper sense of the word. He might not have been corrupt for money; but he acted on the seat of justice from motives of personal resentment. He therefore charged baron M'Clelland with corruption, and he would prove the charge, if the papers he moved for should be given. When these papers should be granted, he would then consider what course to take, whether he should move for the dismissal of baron M'Clelland for weakness and incapacity, or whether he should move that he be dismissed and censured for corruption. As for the transaction that took place in Galway, he would state it to the House. Here the hon. gentleman entered into a detail of the facts connected with a dispute he had with a Mr. Daly, which he described in so very theatrical a manner as to keep the House in a continued roar of laughter. He complained that at a prosecution which took place in consequence of this dispute before the learned judge, he was prevented, though a party, either to cross examine Mr. Daly, or to speak to evidence. As to the trial of Burke, his (Mr. Martin's) counsel publicly stated, that if the arguments they had urged could have no weight with the judge, it would be no use to urge any thing further; and Mr. Crampton satirically said, that his lordship was about to non-suit the crown. Baron M'Clelland had an accommodating disposition. He would not reply to Mr. Crampton, because he knew that gentleman was connected with Mr. solicitor general Bushe. The baron had been always remarkable for his attentions to the great; he partook of the qualities of the hare and the tiger—he had all the timidity of the one, and all the ferocity of the other; he had been, through life, remarkable for his submission to those above him, and to those below him, if any person could be below him, he was harsh, arrogant and supercilious. His conduct had been the more criminal, because he could not be accused of mere ignorance. he had not indeed an enlarged, but he had a technical mind.

The motion was negatived without a division.

HOUSE OF COMMONS.

Friday, April 30.

ILLICIT DISTILLATION IN IRELAND.] General Hart, in pursuance of his notice, moved, "That this House do resolve itself into a committee of the whole House upon the Laws relating to Distillation in Ireland."

Mr. *Dawson* said, that the law which imposed fines upon town lands was of such an odious nature, that he was urged by a sense of public duty to exert his utmost endeavours to procure its repeal. In what he had to urge he meant to cast no reflections upon the excise board, which had shown as much lenity and forbearance as possible; but the complaints out of doors against the act had of late been loud and general. A committee was at present employed in diminishing the penalties of the statutes in England; but in Ireland, it should seem as if they had been anxious to increase them. In England, the object was, to decrease the criminals; in Ireland to increase them. In England the remission of punishment had augmented crime; but in Ireland, the uniform execution of the sentence had produced exactly a similar effect. He trusted, therefore, that this appeal to parliament against the act of 1814, which was itself a revival of a former law, would not be made in vain. That act imposed a fine of 20*l.* for the first, 40*l.* for the second, and 60*l.* for the third offence, upon all townlands where any article used in illicit distillation was discovered. The districts of the town-lands varied from 200 to 2,000 acres, but on an average they might be taken at 1,000 acres, and if the worm of a still, or any more minute article of the kind, were found within that space, all the inhabitants were liable to the payment of the fine. Irrational and unjust as the law was, the mode in which it was carried into execution was even worse. In England, if any error were found in the commitment, or in the indictment, the defendant was allowed the benefit of it; thus, if the *venue* were laid in a wrong county, the defendant was acquitted;

but in Ireland, the prosecution might be renewed, and no mistake was allowed to operate against the prosecutor. It was a maxim of English law, *Nemo testis esse debet in propria causa*; but in Ireland, a revenue officer, who was to obtain a considerable portion of the fine, was allowed to be a witness, and in nine cases out of ten the conviction proceeded solely upon his testimony. Illicit distilleries were usually set up in places not ascertained to belong to any parish or township, or in the suburb of a city or town; so that, if the head of a still were found in an obscure part of Dublin, the chief justice, and even the members for that capital, would be called upon to pay a portion of the fine; which was imposed, even if a cask were found, and an officer hardy enough to swear, that from the smell he believed that it had contained illegal spirits. One clause of the bill of 1814 was without parallel in the history of legislation; for it was made a retrospective measure to the year 1810, and applied even to fines suspended and annulled. Any minister who should attempt to apply such a law to smuggling on the coast of Kent, or to illicit distillation in Scotland, would not retain his seat for a month afterwards, the feeling of indignation at such injustice would be so turbulent. The Bill of Rights declared, that excessive fines should not be imposed even upon the guilty; but what would the framers of that instrument have said to this law, which imposed excessive fines upon the innocent? It had been said, that the laws of Alfred warranted this law; that the inhabitants of tithings were made responsible for each other, and the fact undoubtedly was so, but for very different offences and in a very different state of society. The same custom had prevailedamong the Jews and the Germans; it was known amongthe savages of Africa, and indeed was itself a proof of ignorance and barbarism. To illustrate this point, he read a passage from Miller's Saxon Tithings and from Hume's England. In truth, the crimes for which the inhabitants of tithings were made answerable were *mala in se;* but here the law was directed merely against *mala prohibita:* besides, though a distiller might be an offender against a prohibitory law, those who were compelled to pay the fines were offenders against no law at all; the act was for the safety of the guilty, and the punishment of the innocent. The mode in which the law was executed rendered it still more objectionable; and in order to establish this part of his argument, the hon. member begged to refer the House to several cases which proved that the inferior officers of the excise had been guilty of mal-practices and collusion. The first was that of two men of the name of Daniel, prosecuted by an officer named Hinching, and awarded to pay a fine of 40*l.* It afterwards turned out that the Daniels were not guilty, and application was made to the commissioners of excise to remit the fine. The officer, of course, reported against the remission, but secretly offered to take 30*l.* and to use his kind offices; and though this fact had come to the ears of the board, Hinching had merely been censured, but not removed. Another case was that of John Colquhoun, who had procured the suppression of six illicit stills upon town lands, and who had been cruelly beaten by some of the inhabitants; the excise officers, in gratitude for what he had done for them, seized all his cattle, and would not leave him a cow to give milk for his infant family. A third case regarded a person named Lowry, who had taken a farm under the assurance that all fines due had been paid, yet soon afterwards had been deprived of three horses and four cows, which were collusively sold among the officers for only 3*l.* In the report of Mr. Terry, one of the commissioners of excise in Ireland, it was stated, that upon 10,000*l.* of penalties the incidental expences amounted to 20,000*l.* The fines could not be levied without great difficulty, and the inhabitants were frequently harassed without any advantage derived to the revenue. Whilst the law pressed heavily on the innocent, it was despised by the illicit distiller, who had grown old in the practice of his occupation. It tempted him to commit perjury, and to throw the burden of his offence on others, well knowing that if detected he had no mercy to expect from the excise. This disposition to the crime of perjury not only affected parties and witnesses, but juries also; and cases might be mentioned in which the latter had returned verdicts grounded solely on their disapprobation of the law. The cause of all this mischief was the erroneous policy upon which the law was passed, and the vain and useless attempt to overcome that characteristic of Irish peasantry, an aversion to become informers. The consequence was, that in its

operation it confounded the innocent with the guilty. Mr. Terry, alluding to the extensive prevalence of illicit distillation, recommended the erection of barracks between the different military stations. It was by military force alone that the system was carried into execution. In the counties of Donegal and Derry prosecutions were often anticipated by the objects of them lodging informations against the townlands. Judge Fletcher had said, that the system of which he complained was as repugnant to the principles of justice and the common sense of mankind as it was to the general spirit of British law. It appeared to have originated in a desperate attempt to collect revenue by any means and at any sacrifice. Amongst its other evils it violated the first rule of evidence, by allowing a party interested to prove his own case; it encouraged perjury, and induced juries to find verdicts against the clearest evidence. The excise officer, seeking merely to put money into his own pocket, connived at the illicit still, and entered into stipulations; the effect of which was, that some old worn-out still was seized, and the town land prosecuted for the fine. Not only civil trespasses, but perjuries, conspiracies, and assassinations, were multiplied to a frightful degree; and in the county of Donegal nearly the whole of the business, public and private, arose from this source. This was the opinion of a learned judge, speaking from long experience, and upon mature consideration. Why the system of small stills, which was found so advantageous in Scotland, should not be equally beneficial in Ireland, surpassed his comprehension. If proper inspectors were appointed, and a severe punishment inflicted upon the illicit distiller himself the inhabitants at large would exert themselves, not to screen him from, but to bring him to, justice. If conciliatory instead of coercive measures were adopted, he had no doubt that the character drawn by sir John Davis of the Irish people would be fully realized. That writer had declared, that if protected against wrong, there was no nation on earth more attached to the principle of equal and impartial justice [Hear!]. He should conclude by seconding the motion for a committee, and by expressing his feelings that unless the right hon. the chancellor of the exchequer should apply some remedy to this enormous evil, he would be responsible in the eyes of God and man for all the consequences.

Mr. *Leslie Foster* wished to call the attention of the House to a consideration of the facts in this case; and if upon a fair review of them, an alteration in the mode of collecting the revenue on spirits in Ireland should be deemed necessary, he would lend his cordial assistance to the undertaking. The question was important in every respect, and it was right that the House should be aware that in its decision depended one-fourth of the Irish revenue. In the last year the amount of this branch of it was 1,300,000*l.*, being 239,000*l.* excess above the produce of the preceding year. This improvement was a great financial recommendation, although it had certainly no bearing on the moral part of the question. There was no system of regulation that could be devised under which this revenue could be collected without some cases of violence and hardship. In the course of last year 1,300 illicit stills had been destroyed, but during the prevalence in 1811, 12, and 13, of the system of small stills, which it was now proposed to renew, 6,588 private stills had been destroyed in one of those years, and scarcely any left in the country. Yet in the following year upwards of 6,000 were again destroyed, and more than 5,000 in the following. All this had been accomplished by military force, and with a much greater degree of violence than had been exercised since the change which had been effected in the law. The mischief was before so extensive, that the commercial chambers of Belfast and other towns presented petitions, stating that the regular distilleries could not be carried on, and that the morals of the people were greatly deteriorated by the dangerous practices which prevailed. These petitions were referred to a committee, which was of opinion, that the only efficacious mode of collecting the revenue was the system of fining town lands, and a bill to that effect was accordingly introduced by an hon. namesake of his, in the year 1814, and passed into a law. The vice of illicit distillation had at that time taken such fast possession of the champaign country, that the sufferings produced in eradicating it were, during the first year, of extraordinary severity. It was gratifying, however, to find, that the amount of fines had been rapidly decreasing since, in all the counties of Ireland, except Donegal and Tyrone, the

mountainous nature of whose situation had always afforded peculiar opportunities for the commission of such offences. It appeared by the report of two officers, Mr. Coffley and Mr. Logie, high in that branch of the public service, that 51 stills had, however, been voluntarily surrendered in Donegal: that more might be expected; and that the town lands were generally willing to enter into securities, if the law were not to undergo any alteration. It was true that the board of excise had had the misfortune to employ a person in the first instance who had committed many unjustifiable acts in the county of Donegal; but he, together with two of his assistants, had been subsequently removed. He was sorry to say, that much perjury was certainly committed on acconnt of the trials for illicit distillation; but at the same time he was convinced, that it would be greatly exceeded by the quantity of perjury which would be occasioned by that species of trial which it was proposed to substitute for the present. It was clear, that if perjury prevailed under the present system, it must become still more prevalent if the prosecutions were directed against the persons of offenders, and if the liberty of the individuals were at stake. Much had been said about the evils and expense occasioned by the employment of so great a military force under the present system; the House, however, ought to be informed, that under the system of 1811, 12, and 13, when the present laws were suspended and small stills were licensed, great assistance had been derived from the military. From the report of the commissioners of excise, it appeared, that during these three years, there was paid to the military and the officers of excise no less a sum than 161,000*l.*; while at present the average charge might be taken at 50,000*l.* a year; so that the House were deceived if they thought that by substituting the small still system, they would get clear of military hunting and legal prosecutions. It had been said that the principle of the present system was to punish the innocent for the guilty; but in his opinion, its general operation was to give the innocent an inducement to prevent the guilt for which they were punished; and that indeed, was the only ground on which it could be defended. Besides, the board of excise had the power of remitting fines; and he was certain that whenever the parties convicted could produce evidence that they had not connived at the illicit distillation, the fines would be remitted. But, from his own experience, limited as it was, he had reason to believe that the inhabitants of the town lands were almost always conscious of the guilt. It had been said, that the system of small stills was likely to cure this evil, and the example of Scotland had been adduced in support of that opinion. In Scotland there were 39 small stills licensed, each paying upwards of 500*l.*, and yielding a total revenue of 20,000*l.* Now in Ireland there were 12 small stills, larger indeed than the Scotch, but paying 9,600*l.* a-piece, and producing a gross revenue of 115,200*l.* There certainly was something in this which he could not understand. He had a great respect for Scotland, and did not wish to cast any reflections on the manner in which the revenue was collected in that country; but he could not but observe, that the revenue derived from the Scotch stills was far less than was derived from the Irish. If the House were prepared to introduce the system of small stills into Ireland, and to renounce the revenue altogether, the consequence would be, that they would have the country filled with smugglers with licences, instead of smugglers without them.

Sir *Henry Parnell* trusted it was unnecessary to say, after all the House had heard, that the present system of law was most severe, unjust, and unwise. He hoped the House would agree with him in thinking, that the time had now arrived for getting rid of that system altogether, for surely no case had been made out to justify the law. The hon. gentleman (Mr. Foster) had stated that the system of small distilleries had been tried, and failed—he (Sir H. Parnell) was satisfied that that statement was not correct—every gentleman who had attended to the subject knew that the small stills had never had a fair trial—they were impeded and discouraged in many ways; indeed it was impossible that they could have existed under the regulations that had been made—the interests of the small proprietors were always obliged to give way to those of the proprietors of large distilleries; but, above all, they laboured under the power the commissioners had of withholding licences, instead of giving every man a fair opportunity of employing his capital and his industry in the trade. The establishment of small stills would

have a powerful effect in putting down illicit distillation—the proprietors of small distilleries would find it their interest to put it down—the people would be induced to assist in putting down illegal distillation, and until they assisted, it could not be put down, though the country might be covered with military force and revenue officers. As to the statement made by the hon. gentleman, to show that illegal distillation was on the decline in Ireland, he would observe, that in the first year he referred to, corn bore a very low price in Ireland, there was no market, and it resulted, as a matter of course, that the superfluous corn should find its way into illicit distillation; the third year he referred to, there happened to be a high price, and a sure market for corn, and the Irish farmer naturally exported it. The same year was one of great distress in Ireland—besides, from the wetness of the season and the consequent want of fuel, illicit distilleries were not worked by the people. These reasons would tend to explain the statement made by the hon. gentleman; it was to these local, temporary, and incidental causes that the alteration was to be traced, and not to the effects of a system which was only pregnant with public immorality, misfortune, and discontent.

Mr. *Wellesley Pole* said, that in 1810, when he held the office of Irish secretary, he found the fine system in full operation. On a representation of the horrors and crimes committed under this system, and of its inutility to prevent illicit distillation, the then chancellor of the exchequer and himself investigated the subject, and they agreed to remit some of the fines, and to suspend the operation of the act. His hon. friend had said, that the small still system had been in full operation in Ireland in 1810, 1811 and 1812. The fact was, that the fine system was only suspended in 1810. His friend, the chancellor of the exchequer, who remained in office after he himself had gone out, did not encourage small stills—and in the session of 1812, he had brought in a bill, framed with the greatest care, the effect of which he hoped would be to prevent the necessity of recurring to the horrid system of fines. But at the time this bill was brought in, a circumstance took place which changed the whole question; the distillation from grain was then suspended. The fine of the town lands system was only suspended, and not repealed, and the distillation from grain was suspended; and it was not possible, therefore, for the small still system to be established, when no distillation was allowed to go on. Was it fair, then, to say that this system was established in 1810, 11, and 12? The gentlemen from Ireland, not taking into consideration that all legal distillation was suspended, came to the chancellor of the exchequer by acclamation for the repeal of the system, who very properly listened to them. He did not blame the chancellor of the exchequer for acceding to their request, but he blamed the gentlemen of Ireland for allowing themselves to be run away with without experience. He had then opposed the recurrence to the fine system, but nearly all the Irish members divided against him. Mr. Gregory, now under secretary for Ireland, who was sent down to Innishowan, reported, that the effect of the fine system was such as to beggar all description. This was after the system had been in operation many years. In 1812, the same gentleman was sent down to the very same spot and the improvement under the new system was so great as to be hardly credible. Having paid much attention to this subject, and knowing from the most respectable sources the effects of the fine system in Ireland, no human power should induce him to give it his support. In October 1816, when Mr. Terry, deputy chairman of the commissioners of excise visited Innishowan, he found that the places where illicit distillation flourished most, were those very places which had already been fined; for the illicit distillers resorted to places which had nothing on them, every thing having been carried off. The same gentlemen who were almost unanimous in wishing the fine system in 1812, were now unanimous against it. If it was a grievance, it was a grievance of their own seeking.

Lord *Mount-Charles* said, that at the recent assizes in Donnegal, there were no less than 300 town-lands fines trials. In the late presentments of the grand jury, application was made for a certain sum of money, for the enlargement of the county gaols, which had become necessary, in consequence of the numbers confined from inability to pay the fines.

Mr. *V. Fitzgerald* said, that though he had been the person whose duty it was to propose the re-enactment of the law which had been held up to censure, he hoped the House would do him the justice

to believe that he was not one of those who would seek the credit of consistency for persevering in opinions, the erroneousness of which had been forced on their conviction. He, however, had seen no reason to change his opinion of the law. If it had been so pregnant with horror, guilt, and crime, as his right hon. friend thought, how had it happened that he had not taken earlier measures to denounce it, or that he had not accepted the invitation to take part in the deliberations of a former committee concerning it? He bore testimony to the sincerity of the hon. mover's intentions, but he thought it too much to suppose, that all the distress of Ireland, all the outrages and breaches of law, and even the state of the prisons, was to be attributed to this act. As to the number of persons imprisoned in Donnegal, the fact was, that these persons were not imprisoned under that part of the act which it was now proposed to repeal. As to the complaint, that the law for the encouragement of small stills was not enforced, it seemed rather misplaced, at a time when that law was enforced to a greater extent than had been proposed. The fullest committee that he ever remembered—a committee on which every member from Ireland was admitted—had concurred in recommending the present law. Was it not a strange species of logic, by which the demoralization of Ireland was imputed, not to the use of cheap spirituous liquors, and to the system which began with the breach of revenue regulations, and ended with the breach of all law, but to the act which attempted to remedy these evils; which imputed the murder of Mr. Buller, not to illicit distillation, but to his attempt to execute the law against it? The employment of a military force in the suppression of illicit distillation, had not originated with the act which it was proposed to repeal, nor was imputable to it. It was in evidence, that at the time when his right hon. friend (Mr. W. Pole) took those measures to suppress distillation, which were found ineffectual, a military force of 140 infantry and 40 cavalry was sent against the illicit distillers of the barony of Innisshowen, and successfully resisted by them. The committee of which he had spoken had declared, that it was necessary to put an end to illicit distillation, as directly subversive of the morals of the Irish people. As to the execution of the law, he knew of no case in which the government did not act with clemency.

Mr. *French* said, the diminution of illicit distillation in the two first years after the passing of the law, was to be attributed to the dearness of corn and turf. The present year, a year of ordinary supply, was the best test of its merits. Yet in Mayo, at the last assizes, there were eighty convictions for illicit distillation; Sligo was nearly as bad, and in the county he represented, there were many. He strongly reprobated the law, and trusted the English and Scotch representatives would not suffer the Irish gentlemen to be robbed by such a law.

Mr. *Peel* allowed that the law might be accompanied with much hardship; but there was a question, whether it was not a lesser evil than the system it had (with the exception of two counties) succeeded in crushing. He feared lest the House should suffer itself to be induced by its feelings to take a step, of which, on cooler reflexion, it might repent. In 1810, this law was suspended; in 1812, repealed; but, in 1813, re-enacted, with only seven dissenting voices. It was re-enacted, after an examination of several Irish members before a committee of the House, and now they were called upon to repeal it without inquiry. The House should be cautious of doing so, as they might be under the necessity of re-enacting it again with accumulated disadvantages. He did not shut his eyes to the evils of the present system, but he feared the consequences of resorting to any other, and, above all things, he feared the dangers resulting from a perpetual vacillation, which was in itself one of the greatest misfortunes that could be inflicted in a country.

Colonel *Barry* said, that the system of still fines was injurious to morals, and a great hardship to an innocent population. He would admit that the law had great effect in suppressing illicit distillation, but so must any measure of unexampled cruelty. It was not his opinion, however, that it ought to be done away at once; the best course to pursue would be, the adoption of some concurrent remedial system; perhaps the lowering of the duty on spirits, and the encouragement of small stills throughout the country.

The *Chancellor of the Exchequer* was of opinion, that it would be wise in the House to acquiesce in the suggestion of his hon. friend who spoke last. At the

same time, he was satisfied, from the official information he had received, that the system now produced an efficacious control, without any instances of individual oppression. He deprecated vacillation as injurious to the revenue, but thought that much benefit might be derived from the encouragement of licensed distilleries on a small scale. He had no objection to the motion for going into committee on the subject, and pledged himself to support whatever measure appeared the most beneficial.

Sir *John Newport* thought, that of all the courses pursued by the ministers of the Crown, the present was the most extraordinary. He would ask the minister, if he came into the House with an opinion made up, and, if so, why he had altered it? He would ask him, if his opinion was originally the same as he had now expressed, why did those with whom he acted promulgate a different opinion? In this, as in other questions of importance, was the country to witness the differences of ministers amongst themselves? Feeling that the morals of the people would be injured by a departure from the present system, he should not hesitate to say so. If he could be persuaded of the contrary, no advantages of revenue could induce him for a moment to compromise the more important question of morals. If they resolved to try the other system, he hoped that, with the encouragement of small stills, they would also give encouragement to breweries, that the people might be induced to adopt that wholesome beverage, instead of the maddening spirit to which they were accustomed.

Lord *Castlereagh* defended the chancellor of the Exchequer against the charge of inconsistency. In agreeing to the appointment of a committee, he had not pledged himself to the adoption or abandonment of any measure, but had merely assented to the propriety of referring the present system of laws to the consideration of a committee. He was satisfied that the views opened by that night's discussion, would induce many members to direct their minds to the subject, and read the information contained in the papers which were already before the House.

Mr. *Bennet* animadverted, in a strain of peculiar point and animation, upon the conduct of ministers on this occasion, who had conceded to the opponents of excise pillage in Ireland, only because they felt they could not resist with effect; who had, in fact, only struck, because they knew they would be beaten. Their disposition at the outset could not be mistaken, from the tone and terms of their known adherents; and their reason for yielding afterwards was equally evident. Adverting to the speech of the chancellor of the exchequer, he protested against the language of that right hon. gentleman, who seemed to think that revenue was the first duty of a government. But such language was quite consistent with the conduct and creed of a gentleman, who was the steady patron of lotteries.

Mr. *Chichester* expressed the sincere gratification he felt at the prospect which was now held out of amending the law in Ireland. He trusted, that the labours of the committee, aided by the candour and good sense of his majesty's government, would bring this question to that issue to which it must be the wish of every friend of peace and good order it should speedily arrive.

General *Hart* participated in the gratification which the result of this motion was so well calculated to diffuse. On the subject of illicit distillation, all he should say was, that he had nothing so much at heart as its utter abolition; and it was because he was its greatest enemy, that he was the advocate for an alteration in the present system, which tended so much to its encouragement.

The motion was then agreed to.

ADDENDUM.

The Reader is requested to substitute the following Report of the Speech of Lord Nugent, on presenting the Petition of the Catholics of Great Britain, March 4th, in the room of the one which will be found at page 858.

Lord *Nugent* said, that he rose, in discharge of an awful duty, to present the humble petition of a very considerable body of his majesty's subjects, Roman Catholics of great Britain, praying to be relieved from certain grievous civil disabilities under which they now labour. The petition was signed by upwards of 10,300 persons, among whom were many of the representatives of the most ancient and noblest families of the land, at the head of which distinguished list stood the name of his grace the duke of Norfolk, earl marshal of England, and, by birth, the first subject in the realm. And, said the noble lord, in contenting myself for the present with moving, that this petition be now laid upon your table, it is not my intention to detain you by inquiring what particular mode or measure of relief it may hereafter appear desirable or practicable for the House to adopt, still less shall I enter into a detail of the peculiar state of the Roman Catholics of this country, a topic, on which, from the many and full discussions it has received, not only in this House, but through every channel of public information out of doors, the minds of gentlemen may be expected to be already very adequately prepared. At the same time, the tone and temper of the petition itself forbids our considering it as in any way prescribing the means, or even the extent, of that relief to which I trust that this House will be of opinion that they have a just and a peculiar claim. The petition is expressed in nearly the same terms, and embraces precisely the same objects, as when, in those able hands to which, for years, it was entrusted, it obtained, even whilst it failed of success, general sympathy and applause from its unvaried good feeling, discretion, and modesty [Hear, hear!]. But connected as it now is with the memory of those great and good men, who used to support its prayer with all that their eloquence and their authority, and their character, could give to its support, while I reflect, certainly with unaffected dismay, upon how incompetent are the hands into which so great a trust has now fallen, I cannot but feel at the same time that it derives from the memory of those it has lost a melancholy but irresistible interest in its behalf.—The petition which, for so many years, derived support from the eloquence, the authority, and the character of Mr. Windham, cannot be devoid of interest in this House [Hear, hear!]. The petition whose cause was so often, and so lately, pleaded in this House by a voice whose captivating tones are still fresh in the recollection of most of us, by a man whose loss is the subject of so recent, and, I am convinced, so general, sorrow, cannot be devoid of interest to us [Hear, hear!]. Well and long will this House remember the eloquence—the grace far beyond the reach of ordinary eloquence—the statesman-like discretion, but above all, the zealous sincerity, with which those great men pleaded for years, in behalf of these petitioners, the cause of general conciliation. Those tones are for ever lost to this House; that support is for ever lost to the cause.—The last of that distinguished class and connexion of men to which he belonged in this House is now gone. He has left behind him the example, a rare one, of a statesman who, after a long political life, passed actively too, in difficult and contentious times, has died with the general and unqualified regret of all persons, of all parties and opinions among us. The cause of this large and suffering body of your countrymen, which Mr. Windham, in almost his last moments, bequeathed to his illustrious friend, whose recent loss we deplore, has now devolved upon this House, for protection, with one name more added to the venerable list of the patrons it has lost, a list already graced with the names of all the most considerable men of parliament, from Mr. Elliot up to Mr. Burke and sir George Saville, that is, from the repeal of the first of that cruel and unnatural code of what were called the penal laws, down to the present period.

Sir, the general question, as it affects

the Roman Catholics of your empire, and embracing a much wider scope of discussion than what necessarily belongs to this petition, will, I trust, ere long, be brought before you, introduced by the ablest hands, and recommended by the highest authority. I trust that the day is not far distant when we shall again hear in his place pleading in behalf, not only of his own countrymen, but of your whole empire—a man whose venerable name affords additional lustre to the best and noblest cause, a name which never can be separated from the glorious cause of universal toleration and freedom, in which his whole glorious life has been passed [Hear, hear!]. The presence of my right hon. friend (Mr. Grattan) forbids my farther indulging those feelings in which, on this occasion, I am sure the House sympathizes with me. But I ought now to state that, should his extensive and hopeful views of general benefit fail of their immediate effect this session, it will be my duty, however inadequately, to found a motion, of general influence still, on the particular prayer of this petition. In the mean time, it is not for me now, by immature discussion, or by anything like anticipation of questions which do not necessarily belong to this petition, however naturally they may arise out of it, to disturb that unanimity of sentiment which I trust will accompany to your table the prayer of this great and high-minded, though patient and long-suffering, portion of your countrymen. But this I trust I may, even thus early, express as my firm conviction—A conviction which I should venture humbly to urge upon the consideration of the petitioners themselves, were I not assured as I am, that they already feel it much more strongly than I can possibly express it. That, from their uniform and steady conduct, from the tone and temper of their applications, every reliance may be placed on the ultimate justice of this House. But that no good can possibly arise, and much mischief may be apprehended, from what I have long thought the fatal mistake of endeavouring on the part of the petitioners, to make terms with parliament on how far this or that security which we may think fit to adopt may or may not be consonant with their particular views or opinions as to the discipline of their own church. Let us, on the other hand, remember that, while it is our duty to legislate for all the subjects of this empire, it would be weakness, it would be worse, it would be want of candour, to negociate with a particular class of them [Hear, hear!]. By petitions conceived in a spirit like that which characterizes the petition now before you, and received by parliament in a corresponding spirit of conciliation, much, perhaps all, may be effected towards securing general satisfaction and permanent union. But from negotiation I have always felt that, however ardent may be on both sides the wish of mutual accommodation, from negotiation between two such bodies as parliament and the petitioners no good can possibly arise, none can be hoped for. It can only end, for the petitioners, in bickerings with parliament, and in dissensions among themselves; it can only end, for us, in lowering the value of the boon we may be disposed to extend, and in compromising ourselves by stipulations to preserve for our own establishments those terms which we already have within our power—your petitioners have felt this. They have acted upon this conviction, and, in so doing, they have, in my judgment, acted wisely, dutifully, and well. For who, after all, can reasonably hope to succeed in treating on matters like church discipline with men who, on these very subjects, commence with differences from you which, like all other spiritual differences, probably nothing short of inspiration, nothing this side the grave, can finally or effectually adjust. Excepting indeed they be adjusted by community of education, community of pursuits, community of privileges, and that community of habits and of feeling which education pursuits and privilege in common are usually found to inspire. For our consideration, as it appears to me, this remains. Your petitioners complain that they suffer under two grievances—political disqualification, and religious obloquy. That the religious obloquy arises mainly out of the political disqualification, and that the political disqualification is inflicted on them, not on account of any political tenets now imputed to them, but on account of religious tenets only,—in other words, on account of certain scruples concerning which man is responsible to God only and his own conscience; but at the same time allow me to say, his unshaken fidelity to which gives the best earnest he can give to the state of his reverence for those moral and religious obligations which are the strength

and cement of social government. The political disqualification affects your petitioners not only in all the worthiest objects of public ambition. Its effect is felt in every situation, in every relation of social life. It pursues them even into privacy and retirement; it marks them out as a sect, a cast, set aside from all communion with ourselves in all the higher rights of citizenship, on account of some dark undefined suspicions, suspicions intolerable, because they are dark and undefined, and it is thus that your laws, in as far as they can command public opinion, doom your petitioners to religious obloquy also. Englishmen, Sir, as they are, by birth, by education, in feeling, and in blood, but doomed, for conscience sake, to heavy and bitter incapacities, in return for those best and noblest of virtues, constancy to spiritual opinions, and jealousy of spiritual rights, they are reduced to the condition of Aliens in their native land in all respects but in the right of property. And see how this right operates. They may inherit property which they have received from their fathers, together with their faith, but which, in many instances is the memorial to them of years, of centuries, of unrewarded valour, loyalty, and merit. They may bequeath property, accompanied with all those feelings which they cannot fail to transmit along with it, feelings of burning anguish, feelings of melancholy reproach against that system which precludes property, rank, virtue, ability, and zeal, hereditarily from the public service —I say hereditarily; for who, after all, is there, what gentleman is there in an assembly of gentlemen who can fail to recognize the spirit which would animate him if he were the representative of an ancient and distinguished Roman Catholic family? I say, Sir, that such a person, even if he wavered in his attachment to the faith of his ancestors, might well be expected to be confirmed in it by your laws. He might well be expected to cling to it, were it only from honourable shame, in the years of its depression. Even if in his heart he rejected its tenets, and subscribed to ours, even then he might well, from the purest feeling, conceal his change, until a more liberal policy should allow him to avow it with his motives unimpeached, unsuspected, unquestioned. The best, the noblest, and the purest of their communion may thus be deterred by your laws, if by no stronger motive, from conformity, while proselytism to our faith is at least deprived of that pure unmixed credit which should strengthen and recommend the cause of our national church. At all events this I may say without offence and without question. That the refusal of the Roman Catholics of your country to embrace your doctrines is made a test, and an honourable one, of proud disinterested integrity. Stripped of all power, of all influence in the state excepting that power and influence of which your laws cannot deprive him, the power and influence of character, it is difficult to conceive a noble or a more interesting spectacle than that of an English Roman Catholic gentleman, endowed with all the advantages which birth and education, and perhaps youth and talents, and a zealous ambition for the public service, could cast around him, dispensing within the narrow sphere to which you have confined his virtues, those blessings which Providence entrusts to the rich, the powerful, the wise, and the good, for the general benefit of their country and mankind.

The petition speaks the language of a body of men long known to you by such qualities only as entitle them to our most tender and grateful consideration. The Roman Catholics of England have been for centuries treated as persons ill affected to the civil establishment of your empire. And, let me ask, is there the libeller who would now so describe them? And if there be, I ask without fear to what periods of our history he would refer to support such a description. I think it so happens that the very periods to which he would naturally point for instances of their disaffection may be quoted as containing the strongest illustration in support of their present prayer. I mean this: and I speak it from authority. That in no instance were the Roman Catholics of England ever found wanting as the supporters of your empire's glory, and of the integrity of her constitution, but when they were writhing under the scourge of those penal laws which deprived them of all share in the one, and, almost, of all protection from the other. Of their gallant zeal and chivalrous loyalty under a Protestant government, and that government none of the mildest, but before the enactment of penal laws against the Catholic laity, let the story of the Armada bear witness, when every Catholic arm in England was raised to protect their

queen, their emphatically Protestant queen, to protect, at the expense of much wealth, and at the hazard of excommunication and death, this Protestant land,—against what too?—Against no less than the consecrated banner of the pope himself [Hear, hear!]. Let the wiser policy of even those violent times testify that even then a very important branch of the legislature, and the highest posts of honour and responsibility, both in army and in state, might be safely laid open to them. The earl of Effingham, who commanded queen Elizabeth's fleet against the popish armada, was himself a Roman Catholic. The lord Howard, another Catholic peer, was, at the same time, lord warden of the Marches, to hold the frontier of Protestant England against Scotland; part Presbyterian, part Catholic. The lord Pembroke, another Catholic peer, at the same time was governor of Dover Castle, held the advanced work of Protestant England against the Catholic continent. And the same lord Pembroke had held the great seal of England. When enfranfranchised, and before penal laws had divided our country into political sects, were the Roman Catholics enemies to the constitutional safeguards of your country's liberties? Magna Charta they gave you! The integrity of your laws they vindicated by their ever-memorable protest against popish innovation, and the Bill of Rights itself is but an instrument declaratory of those rights and privileges which you derived from your Catholic ancestors [Hear, hear!]. As the best pledge of their attachment now they point to history, they point to conduct, they throw in, as proof and earnest, that scrupulous faith, that nice unblemished honour, which, by the oaths which you prescribe, are most unfortunately and most unjustly made the very means and instrument of their disfranchisement. Were it not for that faith and honour, where are your securities? With that faith and honour as your securities, against what is it that you seek to protect yourselves by acts of exclusion? Sir, I present this petition on behalf of the English Roman Catholics only; and that for many reasons. But principally because the condition of these petitioners, as is well known, is, in many particulars, much worse than even that of their brethren of the same faith in Ireland. But let me not be misunderstood. Let the petitioners not be misunderstood. The measure of justice which I think we are bound to extend to them cannot be confined to one class or description of your Roman Catholic subjects. Whatever really useful measures of relief are in the wisdom and humanity of parliament to be founded on this petition must be for the relieving and conciliating all within your dominions of the Roman Catholic persuasion who now disdain to barter religious scruples for political power. If your petitioners, pleading in their own behalf, invidiously separated their interests from those of their suffering brethren in Ireland, I can only say that deeply as I feel the strength of their cause, highly as I admire their uniform conduct I should feel myself to be a still more ineffective advocate in their cause, than even now, nor, with the opinions and feelings I entertain, could I make myself the humble instrument of laying their petition now before you. But on the other hand, if, from the pernicious advice of some, or from the irregular zeal of others, partial instances may be adduced to throw discredit on certain persons interested in the general result of a Roman Catholic petition, let us for God's sake remember the many years of severe mortification and undeserved restraint and insult they have endured, let us remember that they have feelings and passions like our own, and let us pardon something to that genuine English free spirit which is restless under restraint and proudly jealous of suspicion. Let us, above all, remember that our object and our duty is, by certain indulgent allowances for suffering impatience, to conciliate and unite, not to accuse and alienate. Every law which excludes any portion of your subjects from the public service is, *pro tanto*, a positive evil to the state, and can be justified only by showing, clearly showing, some greater and equally immediate evil against which by such law of exclusion you protect yourselves. In this spirit, Sir, I hope that this petition may be received. To the humanity, to the wisdom, to the justice, of this House I commit it, humbly moving that it be now laid upon your table [Hear, hear!].

INDEX

TO VOL. XXXIX.

INDEX TO DEBATES IN THE HOUSE OF LORDS.

Address on the Prince Regent's Speech at the Opening of the Session, 20.
Aliens and Denizens Bill, 993.

Bank of England; Secret Committee on the State of, appointed, 202, 289, 1392, 1420.
Bank Restriction, 78.
Bank of Scotland, 993.

Care of his Majesty's Person Bill, 80, 105, 124.
Cash Payments Bill, 1392, 1420.
Chimney Sweepers Regulation Bill, 899, 981.
Coal Duties, 992.
Congress at Aix-la-Chapelle, 422.
Consolidated Fund Produce Bill, 1173.
Cotton Factories, 288, 339, 652.
Criminal Laws; Petition from London complaining of the, 119.

Dutch Colonies, 156.

Hastings, Marquis of; Vote of Thanks to, 760.
Holy Alliance, 422.

Java; Cession of, 156.

India; War in, 760.
Insolvent Debtors, 205.

King's Person; Bill for the Care of 80, 105, 124.

Lunatics Estates in Chancery, 460.

Navy; State of the, 1161.

Offices in Reversion, 385.

Prince Regent's Speech on Opening the Session, 17.
Prince Regent's Message respecting her late Majesty's Establishment, 323.
Prisons of the Country; State of the, 79, 509, 645.

Roman Catholic Claims, 1110.
Royal Household Bill, 1162, 1230.

Scots Jury Court, 1460.
Slave Trade, 510.
Slaves in the West India Islands, 848.

Westminster Hustings Bill, 335, 418.
West India Islands; Slaves in the, 848.

INDEX TO DEBATES IN THE HOUSE OF COMMONS.

Address on the Prince Regent's Speech on Opening the Session, 35.
Admiralty, Junior Lords of, 1044.
Assessed Taxes, 846.
America; Convention with, 1478.
Auctions, Mock, 180.

Bank of England; Committee on the State of the, 280, 350, 1398.
Bank of Ireland, 440, 1423.
Bank Notes, Forgery of, 73, 137.
Bank Prosecutions for Forgery, 137.
Bank Restriction, 72, 104, 108, 131, 183, 212, 213, 276.
Bankruptcy Commissioners Court, 1894.
Bankrupt Laws Amendment Bill, 1380.
Barnstaple Election, 334, 933, 1390.
Burton, Robert Christie, 128, 133.

Caledonian Canal, 1119.
Camelford Election, 1448.
Care of his Majesty's Person Bill, 333.
Cash Payments Bill, 1398.
Chancery Court of; Delay in the, 1261.

Chimney Sweepers Regulation Bill, 426, 436, 448, 547, 1269.
Circulating Medium, 213.
Claims of British Subjects on France, 528, 1415.
Clerk of the Peace in Ireland, 1426.
Coal Duties, 205, 709, 769, 855, 895, 906, 1071, 1264.
Committee of Supply, 111.
Congress at Aix-la-Chapelle, 210.
Consolidated Fund Produce Bill, 1038.
Contagion in the Plague, 424.
Convict Ships, 88, 115.
Convicts, Female, 1433.
Copy Right Act, 1113.
Cork County Election Petition, 461.
Corn Laws, 67, 439, 444, 607, 656, 709.
Country Banks, 328.
Criminal Laws, 81, 396, 552, 777, 903.
Cutlery Trade Bill, 428.

Disease in Ireland; State of, 1427.
Drogheda Election Petition, 428.

Election Oaths Bill, 1173.
Election Petitions, 70, 348, 428, 430, 442,

Exchequer Balances, 974.
Exchequer Bills, 196, 427.
Exchequer Consolidation Acts, 924.
Excise Informations, 950.

Finance Committee, 360.
Forgery of Bank Notes, 73, 137.
Fowey Election Petition, 327.
Frame Work Knitters, 991.
Friendly and Parochial Benefit Societies, 1159.

Galway Election Petition, 442.
Game Laws, 937, 1078.
Gaol Deliveries, 1273.
Gibraltar, Duties paid at, 463.
Goold, Mr. 1228.
Gourgaud, General, 190, 1355.
Grady, Mr. Thomas, 660, 718, 739, 776, 986.
Grand Jury Presentments in Ireland, 388, 521.
Guernsey; Administration of Justice in, 1422.

Half-Pay Officers, 898.
Halloran, Dr. 88, 115.
Harrogate Roads Petition, 66.
Hastings, Marquis of; Vote of Thanks to, 865.
Highways and Turnpikes, 455.

Ilchester, Borough of, 1353.
Illicit Distillation in Ireland, 1504.
India; Administration of Justice in, 1000.
India, War in, 67, 865.
Insolvent Debtors, 180, 515, 933, 1004.
Ireland; Illicit Distillation in, 1504.
Ireland: State of Disease in, 1427.
Ireland; State of the Established Church of, 1454.
Irish Grand Jury Presentments, 388, 521.
Irish Window Tax, 1037.
Irish Children in Factories Bill, 1479.

King's Bench; Court of, 1481.
King's Person; Bill for the Care of, 333.

Licensing System, 135.
Limerick City Election, 734, 897.
London Clergy Bill, 1143.
London New Prison, 167.
Lord Justice General of Scotland, 1263.
Lotteries, 1114.

Macquarrie, Conduct of Governor, 1124.
Mad-Houses Regulation Bill, 971.
Marlborough, Duke of, 146, 192, 1441.
Marriage Act Amendment Bill, 1028, 1461.
M'Clelland, Baron, 437, 1492.
Mines Assessment Bill, 1458.
Mock Auctions, 180.
Moffat Grammar School, 329.
Mutiny Bill, 975, 988.

Navy Estimates, 195.
Netherlands Slave Trade Bill, 1105.
Newgate, 977.
New South Wales, 464, 1124, 1168, 1434.
Northern Circuit, 293.
Norwich Petition for two Gaol Deliveries in the Year, 211.
Nottingham Election Petition, 430.

Ordnance Stores, 1029.
Oxford City Election, 146, 192, 1441.
Penitentiary House at Milbank, 1117.
Penryn Election, 712, 736, 906, 936, 1117.
Plague, Contagion in the, 424.
Poor Laws, 400, 612, 1153, 1157, 1416.
Poor Laws Amendment Bill, 612.
Poor Rates Misapplication Bill, 1157.
Presents to Foreign Ministers, 1090.
Prince Regent's Speech on Opening the Session, 17.
Prisons of the Country; State of the, 71, 740.
Public Charities, 71, 551.

Qualification of Members Bill, 1418.
Quin, Hon. Wyndham, 290, 613, 976, 978, 987, 1176, 1274, 1398.

Rochester Election, 1014.
Roman Catholic Claims, 858.
Royal Burghs Accounts Bill, 1433, 1476.

Royal Burghs of Scotland, 349, 985, 1122, 1167, 1275.
Royal Establishment, 296, 439, 457, 552, 608 664, 1020, 1072.

Salt Duties, 1032, 1482.
Scotch Duelling Acts Repeal Bill, 1266.
Scotch Poor Relief Regulation Bill, 1264, 1469.
Seamen, Security of the Lives of, 441.
Settlement of the Poor Bill, 1153, 1416.
Sierra Leone, 1105.
Silver Currency, 130, 149.
Sinking Fund, 1481.
Slave Trade, 433, 541, 1105.
Speaker; Choice of a, 3.
Statute Law of Scotland in Desuetude, 1138.
Stinton, Thomas; Complaint of the Arrest of, 1168, 1265.
Sullivan, Dennis, 289.

Transportation, 464.
Trial by Battle Abolition Bill, 415, 428, 434, 734, 1097, 1116, 1120.

Usury Laws Repeal Bill, 420, 436.

Weaver, William, 1068, 1270.
Weights and Measures, 322.
Westminster Hustings Bill, 130, 145, 184, 206, 208, 282.
Wild Animals Reclaimed, 200.
Windsor Establishment, 296, 439, 457, 552, 608, 664, 1020, 1072.

INDEX OF NAMES.—HOUSE OF LORDS.

Auckland, Lord, 899, 981.

Bathurst, Earl, 160, 163, 852.
Buckingham, Marquis of, 1112, 1247.
Bute, Marquis of, 1260.

Chester, Bishop of, 340, 341, 347, 655.

Darnley, Earl of, 1113, 1161, 1251.
Downshire, Marquis of, 1110.

Eldon, Lord, *see* Lord Chancellor.
Enniskellen, Earl of, 1111.

Fitzwilliam, Earl, 993.

Grey, Earl, 1163, 1166, 1230, 1260, 1393, 1397, 1420, 1421.
Grosvenor, Earl, 343, 385, 387, 388, 655, 902.

Harrowby, Earl of, 204, 902, 984, 995, 1165, 1167, 1392, 1394, 1420.
Holland, Lord, 105, 106, 119, 124, 128, 162, 164, 388, 418, 419, 420, 422, 423, 424, 513, 656, 765, 848, 855, 994, 1395.

Kenyon, Lord, 289, 339, 340, 341, 346, 652.
King, Lord, 124, 1259.

Lansdowne, Marquis of, 22, 79, 80, 122, 156, 166, 204, 324, 460, 509, 510, 515, 650, 763, 768, 1111, 1174, 1252, 1397, 1421.
Lauderdale, Earl of, 33, 78, 203, 204, 288, 335, 338, 339, 340, 341, 346, 420, 656, 901, 982, 993, 995, 1249, 1257, 1395, 1398.
Liverpool, Earl of, 28, 78, 79, 80, 106, 107, 121, 124, 126, 128, 164, 202, 204, 323, 326, 387, 388, 423, 424, 515, 655, 760, 767, 992, 993, 994, 1162, 1175, 1239, 1396, 1421.
London, Bishop of, 854.
Lord Chancellor, [Eldon], 205, 345, 367, 419, 420, 461, 654, 1257, 1460.

Melville, Viscount, 512, 903, 1162.

Rosslyn, Earl of, 654, 992.

Saltoun, Lord, 21.
Sidmouth, Viscount, 79, 336, 510, 645, 993.

Warwick, Earl of, 20.
Wellington, Duke of, 768, 769.

INDEX OF NAMES.—HOUSE OF COMMONS.

Abercromby, Hon. James, 518, 525, 735, 897, 898, 985, 1011, 1229, 1274, 1388.

Althorp, Viscount, 1168, 1170, 1171, 1172, 1412.

Attorney General [Sir Samuel Shepherd], 202, 415, 434, 544, 605, 843, 935, 957, 1004, 1104, 1271, 1272, 1503.

Bankes, Henry, 192, 462, 586, 641, 729, 738, 919, 945, 1083, 1416.
Barham, John Foster, 356, 453, 896.
Baring, Sir Thomas, 539, 735, 1031, 1148.
Barnett, James, 11.
Barry, Colonel, 898, 1427, 1514.
Bathurst, right hon. Charles Bragge, 87, 90, 100, 135, 136, 194, 430, 443, 462, 507, 639, 644, 685, 1375, 1437, 1444.
Beaumont, T. W. 919.
Becher, W. 523.
Beckett, right hon. J. [Judge Advocate General] 990, 1169, 1170, 1265.
Bennet, Hon. Henry Grey, 69, 88, 99, 104, 117, 130, 135, 185, 186, 187, 188, 208, 281, 286, 289, 426, 436, 449, 454, 464, 508, 550, 551, 659, 710, 727, 755, 775, 1014, 1118, 1137, 1169, 1269, 1353, 1375, 1391, 1422, 1433, 1516.
Bernal, Ralph, 102, 252, 418, 678.
Binning, Lord, 331, 1119, 1142, 1269.
Birch, Joseph, 195, 709, 992.
Blake, Valentine, 923, 1391, 1433.
Boswell, Alexander, 1124, 1142, 1266.
Bourne, Sturges, 335, 400, 612, 893, 1016, 1154, 1157, 1450.
Brand, Hon. Thomas, 917, 937, 1089.
Brougham, Henry, 100, 183, 329, 332, 430, 431, 450, 551, 632, 640, 643, 705, 934, 935, 978, 1013, 1122, 1124, 1138, 1218, 1265, 1269, 1401, 1423, 1425.
Brownlow, Charles, 35, 1501.
Burdett, Sir Francis, 281, 282, 435, 916, 923, 1097, 1103, 1105.
Burrell, Sir Charles, 713, 736, 895, 907, 923, 936, 999.
Burrell, Walter, 410.
Burroughs, Sir William, 893, 1002.
Buxton, Thomas Fowell, 98, 507, 552, 758, 806, 1439.
Byng, George, 659.

Calcraft, John, 67, 69, 71, 196, 278, 350, 353, 436, 710, 1032, 1036, 1069, 1411, 1425.
Calvert, Nicholson, 295, 726, 734, 1158.
Calvert, Charles, 205, 857.
Canning, right hon. George, 13, 61, 67, 212, 253, 318, 322, 355, 497, 692, 775, 831, 865, 893, 1001, 1003, 1097, 1411.
Carew, R. S. 713, 921.
Carhampton, Lord, 685, 1119.
Castlereagh, Viscount, 210, 240, 293, 295, 297, 307, 350, 360, 377, 408, 411, 431, 433, 438, 439, 478, 488, 528, 534, 536, 539, 551, 552, 608, 630, 631, 640, 642, 715, 740, 756, 800, 1013, 1023, 1093, 1110, 1350, 1355, 1373, 1404, 1415, 1515.
Chancellor of the Exchequer, [right hon. Nicholas Vansittart] 72, 104, 111, 130, 131, 132, 133, 196, 198, 199, 200, 229, 329, 332, 333, 377, 427, 442, 463, 847, 855, 911, 924, 927, 932, 969, 992, 1031, 1071, 1414, 1424, 1490, 1514.
Chichester, Arthur, 1516.
Churchill, Lord, C. S. 147, 190.
Clerk, Sir George, 1348.
Clive, Lord, 9, 933, 1081, 1390, 1392.
Clive, Henry, 59, 93, 102, 1367.
Cockburn, Sir George, 290, 1055, 1378.
Cocks, Somers, 682.
Coffin, Sir Isaac, 101, 119, 454, 710, 770, 975, 991, 1059, 1273.
Coke, T. W. 657, 1082.
Cole, Sir Lowry, 991.
Compton, Lord, 592, 1391, 1491.
Cooper, R. B. 249, 678.
Copley, Mr. Serjeant, 1100, 1105.
Courtenay, William, 136, 141, 143, 144, 631, 633, 638, 644, 724, 857, 895.
Courtenay, Thomas Peregrine, 1159, 1478.
Cripps, Joseph, 456, 896, 1088.
Croker, John Wilson, 1480.
Cumming, George, 1064.
Curwen, John Christian, 185, 402, 611, 664, 775, 947, 1034, 1155, 1488.

Davenport, Davies, 856, 1035, 1485.
Davis, Hart, 72, 276, 280, 385, 515, 594, 857.
Dawson, G. R. 388, 521, 1504.
De Crespigny, Sir William, 236, 846, 1147.
Denison, W. J. 739.
Denman, Thomas, 146, 148, 187, 192, 294, 417, 428, 451, 454, 668, 1445, 1481.
Dent, John, 1146.
Dickinson, William, 709, 897, 1354.
Douglas, Hon. F. S. N. 101, 190, 191, 914, 1192, 1374, 1450.
Douglas, William, 331, 332, 1123, 1449.
Dundas, Charles, 659.

Ebrington, Lord, 656, 681, 1490.
Edwards, John, 709, 906.
Egerton, W. 1036.
Ellice, Edward, 277, 279, 380, 427, 542, 1413.
Ellis, G. A. 1274, 1398.
Ellison, Richard, 687.

Fergusson, Sir R. 1124.
Fergusson, James, 1347.
Finlay, Kirkman, 1349.
Fitzgerald, Vesey, 389, 394, 523, 1036, 1512.
Folkestone, Viscount, 1071, 1072.
Forbes, Charles, 508, 1129, 1143, 1347, 1477.
Foster, Leslie, 1456, 1502, 1508.
Fremantle, W. H. 688.

French, Arthur, 1514.

Gifford, Sir Robert, *see* Solicitor General.
Gilbert, Davies, 442, 1263, 1491.
Glerawley, Lord, 93, 115.
Gordon, Robert, 520, 1391, 1417, 1418.
Gordon, John, 679.
Goulburn, Henry, 488, 1134, 1446.
Graham, Sir James, 447, 770, 933, 935, 1460.
Graham, J. R. G. 1063.
Grant, John Peter, 1476.
Grant, Charles, jun. 1423, 1426, 1429, 1456, 1502.
Grant, Captain, 543.
Grattan, Henry, 981, 1026, 1217.
Grenfell, Pascoe, 108, 130, 149, 197, 199, 268, 440, 449, 452, 931, 974, 1030, 1036, 1038, 1043, 1449, 1481.
Griffith, J. W. 687.
Grosvenor, General, 890.
Gurney, Hudson, 988, 1414.

Hamilton, Lord Archibald, 154, 188, 349, 350, 1122, 1142, 1268, 1275, 1351, 1410, 1476.
Hart, General, 389, 1129, 1516.
Harvey, Charles, 334, 713, 717, 738.
Harvey, Daniel Whittle, 98, 206, 287, 358, 683, 950, 970, 1144, 1272.
Heygate, Mr. Alderman, 268, 1391, 1492.
Hill, Sir George, 394, 521, 525, 1425, 1480, 1494.
Holford, George, 713, 717, 1118.
Hope, Sir Alexander, 611, 1019, 1025.
Howorth, Humphry, 890.
Hume, Joseph, 136, 184, 188, 287, 422, 591, 1000, 1003, 1119, 1141, 1264, 1333, 1433.
Hurst, Richard, 1013.
Huskisson, William, 537, 589, 930, 975, 1413.
Hutchinson, Hon. C. H. 631, 645, 663, 718, 733, 739, 1003, 1037, 1090, 1377, 1432.

Jackson, Sir John, 424, 425.
Jocelyn, Lord, 526, 1432.

Kennedy, T. 1035, 1143, 1263, 1469.
Knatchbull, Sir E. 847.

Lamb, Hon. William, 334, 1024.
Lamb, Hon. George, 936.
Lambton, John George, 278, 334, 732, 856, 896, 1113, 1228, 1355, 1379.
Lawson, Marmaduke, 66, 96, 98, 200, 279, 285, 754, 825.
Lewis, Frankland, 237, 949, 1087, 1417, 1478.
Littleton, E. J. 182, 710, 769, 770, 826, 856, 857, 895.
Long, Charles, 1118.
Lord Advocate of Scotland [A. Maconochie] 349, 1122, 1140, 1287, 1433, 1476.
Lushington, Stephen Rumbold, 970, 975, 1270.
Lyttelton, Hon. William Henry, 658, 774, 776, 898, 1074.

Maberly, John, 249, 926, 975, 1042.
Macdonald, James, 45, 60, 384, 1449.
Mackenzie, T. 1268.
Mackintosh, Sir James, 94, 133, 137, 144, 435, 442, 493, 502, 753, 777, 844, 892, 912, 1122, 1133, 1167, 1169, 1204, 1266, 1462, 1477.
Manning, William, 131, 267, 441, 1129, 1409, 1449.
Mansfield, John, 414, 593, 991, 1158.
Marryatt, James, 358, 507, 544, 1105.
Martin, Sir T. B. 115, 118, 492, 1440.
Martin, Richard, 357, 437, 588, 641, 677, 731, 919, 1025, 1217, 1492, 1503.
Maxwell, John, 1349.
Merest, J. 1354.
Methuen, P. 411.
Mildmay, P. St. John, 1450.
Milton, Lord, 1460.
Monck, Sir Charles, 439, 1169, 1417.
Money, W. T. 1128.
Moore, Peter, 199, 628, 645, 717, 732, 1449.
Mordaunt, Sir Charles, 774, 826.
Morgan, Sir Charles, 709.
Morpeth, Viscount, 358, 862, 886, 894, 1002.
Morritt, J. B. 1458.
Mount Charles, Lord, 1512.

Newman, Robert, 709.
Newport, Sir John, 396, 441, 442, 461, 462, 521, 527, 538, 631, 638, 714, 716, 738, 897, 920, 991, 1138, 1224, 1390, 1411, 1415, 1424, 1426, 1427, 1454, 1458, 1480, 1515.
Nicholl, Sir John, 1025.
Noel, Sir Gerard, 67, 1161.
Normandy, Lord, 1016.
Nugent, Lord, 858, 1118, 1229, 1517.

O'Callaghan, J. 1425, 1432.
Ommaney, F. M. 436, 448, 450, 453, 550.
Onslow, Mr. Serjeant, 167, 420, 436, 1444, 1462.

Palmerston, Viscount, 196, 898, 988, 1172.
Pares, Thomas, 991.
Parnell, Sir Henry, 63, 68, 393, 457, 521, 1424, 1426, 1510.
Parnell, William, 1224, 1432, 1479.
Peel, Right Hon. Robert, 3, 394, 579, 676, 980, 1150, 1195, 1274, 1399, 1514.
Peel, William, 41.
Perceval, Spencer, 1021.
Philips, George, 537, 896, 1480.
Phillimore, Dr. 542, 863, 1028, 1035, 1464, 1482.

Piggott, Sir Arthur, 192.
Plunkett, W. C. 1152, 1210, 1224, 1228.
Pole, Wellesley, 151, 156, 1511.
Primrose, Hon. Mr. 1419, 1477.
Protheroe, Edward, 131, 135, 278, 383, 436, 455, 588, 711, 770, 827, 932, 1076, 1492.

Quin, Hon. Wyndham, 621, 640, 640, 642, 662, 1176.

Rancliffe, Lord, 610, 658.
Ricardo, David 1158, 1408.
Ridley, Sir Matthew White, 186, 206, 328, 329, 333, 774, 1044, 1096, 1169.
Robinson, Hon. Frederick, 68, 70, 99, 424, 666, 1478.
Robinson, Sir Charles [King's Advocate], 542, 1461.
Russell, Lord John, 1064.

Scarlett, James, 600, 704, 838.
Shelley, Sir John, 944, 1078.
Shepherd, Sir Samuel, *see* Attorney General.
Sinclair, George, 55, 903, 1264, 1376.
Smith, William, 211, 537, 543, 864, 968, 1120, 1391.
Smith, John, 826, 895, 1044, 1216, 1380.
Smyth, John Henry, 433, 541.
Solicitor General [Sir Robert Gifford] 294, 595, 934, 965, 1263, 1462.
Speaker, The [Right Hon. Charles Manners Sutton], 12, 16, 128, 134, 149, 192, 281, 292, 327, 348, 429, 463, 715, 717, 736, 777, 911, 986, 999, 1152, 1153, 1447, 1450.
Stuart-Wortley, J. A. 188, 190, 212, 352, 428, 446, 605, 710, 1228.
Sumner, George Holme, 167, 188, 332, 711, 857, 1443.
Stewart, Sir J. 389, 1079.
Sutton, Right Hon. Charles Manners, *see* Speaker.

Taylor, Michael Angelo, 68, 293, 295, 1261.
Tennyson, Charles, 186, 193, 1103, 1418, 1441, 1446, 1447.
Tierney, Right Hon. George, 65, 87, 104, 131, 132, 133, 143, 148, 155, 189, 213, 269, 279, 280, 281, 282, 308, 322, 351, 368, 440, 463, 502, 534, 536, 565, 609, 612, 632, 688, 926, 931, 963, 1018, 1040, 1042, 1169, 1224, 1265, 1406.
Townshend, Colonel, 1168, 1173.
Tremayne. J. H. 1036.

Ure, Masterton, 732, 737.

Vansittart, Right Hon. Nicholas, *see* Chancellor of the Exchequer.

Waithman, Mr. Alderman, 86, 167, 180, 353, 412, 517, 519, 545, 593, 610, 733, 772, 857, 895, 935, 961, 1006, 1068, 1149, 1269.
Wallace, T. 1033, 1485.
Ward, Robert, 1030.
Warrender, Sir George, 195, 1013, 1417.
Wellesley, W. T. P. Long, 69, 305, 308, 412, 680, 1066, 1082.
Western, C. C. 657, 1156, 1273.
Wilberforce, William, 396, 433, 452, 484, 543, 828, 977, 1079, 1130, 1151, 1349, 1437, 1458.
Wilbraham, Bootle, 663, 726, 739, 1139, 1224, 1450.
Williams, William, 679, 970, 1173.
Wilmot, R. J. 587, 827.
Wilson, Sir Robert, 111, 206, 285, 290, 444, 446, 447, 540, 607, 613, 628, 660, 723, 770, 771, 890, 923, 976, 979, 987, 988, 1120, 1181, 1369, 1451, 1478.
Wilson, Thomas, 153, 550, 593, 857.
Wood, Colonel, 450, 456, 773, 1085, 1459.
Wood, Mr. Alderman, 84, 413, 433, 446, 454, 517, 644, 731, 758, 842, 895, 897, 977, 1029, 1118, 1121, 1148, 1433, 1459.
Wright, Atkins, 715, 738, 914, 1155.
Wrottesley, Henry, 894, 1147.
Wynn, Charles Watkin Williams, 134, 147, 148, 149, 186, 193, 328, 335, 354, 356, 424, 425, 429, 431, 438, 444, 446, 461, 463, 507, 545, 612, 629, 631, 632, 640, 644, 659, 684, 716, 735, 756, 776, 898, 921, 923, 972, 980, 1014, 1019, 1148, 1170, 1173, 1214, 1354, 1391, 1392, 1444.
York; Sir Joseph, 448, 449, 548.

END OF VOL. XXXIX.

Printed by T. C. Hansard, Peterborough-Court,
Fleet-Street, London.

UL 16 SEP 1959